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PHILIP G. LOUCKS, Managing Director

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COMMISSIONER GARY RESIGNS

Commissioner Hampson Gary of the Federal Communications Commission has resigned, effective January 1, it became known this week.

The Commission, on January 4, adopted the following resolution relative to Mr. Gary's resignation:

"Whereas, the Honorable Hampson Gary has by resignation terminated his membership in the Federal Communications Commission, therefore, be it

"Resolved, That the remaining members of that body, assembled this date en banc, desire to place themselves on record as deeply appreciative of the great value to this Commission of Mr. Garv's services, as manifested by the wisdom of his counsel, the intelligent helpfulness of his cooperation, and the consistent earnestness of his devotion to the work of the Commission; and be it further

"Resolved, That in conveying their individual and collective regrets at his departure from this field of his activities his late colleagues do assure him of their continued interest in his welfare and their hope that opportunity will be afforded for the exercise of his talents in some avenue of worthwhile public service; and finally, be it

"Resolved, That these resolutions be spread upon the records of this Commission, and that copy thereof be transmitted to Mr. Gary."

It is reported that Mr. Gary will be succeeded by former Representative Anning S. Prall, of New York.

RUDD INTRODUCES RADIO BILL

Representative Rudd, of New York, on the opening day of the Seventy-fourth Congress, introduced a bill (H. R. 55) the text of which is as follows:

"That to eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void ninety days following the effective date of this Act, anything contained in this Act to the contrary notwithstanding.

"Sec. 2. The Communications Commission, herein created, shall prior to ninety days following the effective date of this Act, reallocate all frequencies, wave lengths, power, and time assignments within its jurisdiction among the citizens of the five zones herein referred to.

"Sec. 3. The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one-fourth of all the radio-broadcasting facilities, within its jurisdiction, excepting those facilities issued to ships and to the use of the United States Government departments or agencies. The facilities reserved for and/or allocated to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio-broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis."

KMBC CASE REMANDED TO STATE COURT

The text of the order of the United States District Court for the Western District of Missouri remanding to the state court the suit of Robert J. Coffey against Midland Broadcasting Co., Remington Rand, Inc., and the Columbia Broadcasting System, Inc., follows:

"The Midland Broadcasting Company, a Missouri corporation, whose principal place of business is in Kansas City, Missouri, where it owns and operates radio station KMBC, on April 6, 1934, broadcasted through that station certain defamatory words concerning the plaintiff. *The substance of the defamation was that the plaintiff was an ex-convict who had served time in the penitentiary.* The defamatory words, probably requiring less than three seconds for utterance, were spoken into a receiving instrument in New York City by an employee of Remington Rand, Inc., a Delaware corporation, as a part of a radio program put out by that company through the facilities of the Columbia Broadcasting Company, a New York corporation. These facilities included a telephonic connection with station KMBC. There was a contractual arrangement between the Midland Company, on the one hand, and the Columbia and Remington Companies on the other, whereby, for a consideration, the former company broadcasted for the latter companies the Remington Company's program. By the telephonic connection referred to the program came to *KMBC and through its instruments directly went out upon the air.* The instruments of KMBC were in charge of and being operated by the employees of the Midland Company but they had no knowledge that any defamatory words would be included in the program and no means whatever of interrupting them after they began to be spoken.

"The plaintiff, in the state court, brought suit for damages against the three companies; the Columbia and Remington companies petitioned for removal. The case was removed. Plaintiff has moved for an order remanding. Whether that motion should be sustained or overruled is the matter for decision.

"So far as the Midland Company, the resident defendant, is concerned, the real facts are as they are set out in the first paragraph of this memorandum. The plaintiff knew or by the slightest investigation could have learned that such were the facts. The principal question presented then is whether the pleading of those facts is a statement of any cause of action whatever against the resident defendant. If it is then I do not doubt that the cause of action so stated is not a separable controversy from the controversies with the non-resident defendants and the motion to remand should be sustained. If it is not, then the only controversies really in the case are with non-residents and the motion to remand should be overruled.

"1. *I see no essential distinction* between a situation in which the owner of a *broadcasting station in Kansas City* sells the privilege of speaking over the station for thirty minutes to X who, speaking in the *local studio of the station,* suddenly and unexpectedly utters a defamatory sentence concerning A and a situation in which the *same station sells the same privilege to X who, speaking in New York,* projects his defamation by telephonic means into the identical broadcasting apparatus in the Kansas City station. The *mere matter of the distance* of X from the broadcasting instrumentality when he speaks into it certainly *cannot affect the liability of the owner of the station.* Whether X's defamatory words reach the broadcasting instrumentality from afar by electrical impulses carried by wire or directly through air waves created by his voice certainly cannot affect the liability of the owner of the station. The *situations essentially are identical.* The greater simplicity of the first of the situations stated makes its consideration more convenient.

"In my thought then I put the primary offender in the local studio of KMBC at Kansas City. I assume his good reputation; I assume that nothing in any former performance by him should put the owner of the station on inquiry; I assume even that he has submitted a manuscript and that nothing in it is questionable; I assume a sudden utterance by him of defamatory words not included in the manuscript, an utterance so quickly made as to render impossible its prevention; I assume, in short, a complete absence of the slightest negligence on the part of the owner of the station. With those assumptions is the owner of KMBC liable to one of whom the primary offender has falsely spoken as an ex-convict who has served time in a penitentiary?

"The *conclusion seems inescapable that the owner of the station is liable.* It is he who broadcasted the defamation. He took the utterance of the speaker which came to him in the form of pulsations in the air. Those waves of air he changed into electrical impulses. Them he threw out upon the ether knowing they would be caught up by thousands and changed again into sound waves and into a human voice. He intended to do these things. *But for what he has done the victim of the defamation never would have been hurt.*

"I conceive there is a *close analogy* between such a situation and the publication in a newspaper of a libel under circumstances exonerating the publisher of all negligence. The latter prints the libel on paper and broadcasts it to the reading world. The owner of the radio station 'prints' the libel on a different medium just as widely or even more widely 'read.' In the case of the newspaper publisher *absence of negligence is no defense. Peck v. Tribune Company,* 214 U. S. 185, 189. Yet he is not helpless. He knows that without any fault of him or of any of his employees some one some time surreptitiously may insert in his paper some line of libel. *He takes that risk. He can insure himself against resulting loss through the subscription and advertising rates he charges or otherwise. The owner of a broadcasting station knows that some time some one may misuse his station to libel another. He takes that risk. He too can insure himself against resulting loss.*

"Learned counsel for non-resident defendants contends with earnestness and with subtle and finely reasoned argument that a more precise analogy is that between the station here and that of a telephone company which, without negligence, carries over its wire words of defamation to some listener. The telephone company would not be liable, says counsel, citing, however, no decision to that effect. There are decisions holding telegraph companies not liable for libel in the absence of negligence. In a certain sense the telephone company does take a libelous message given it in the form of spoken words, changes it into electrical impulses, and sends it out over its wire. So far the analogy with what is done by the operator of a broadcasting station is good. But the analogy does not persist. The telephone company, assuming the absence of negligence, but carries a message (in a sealed envelope, as it were) from the sender to a single person. The operator of the broadcasting station publishes the message to the world. If this distinction is a practical one rather than theoretical it is nevertheless a most significant distinction and quite enough to support an entirely different measure of responsibility.

"The case here certainly is not like that in which one only provides another with an instrumentality which that other, all unsuspected by him who furnished it, uses to inflict injury. Here the instrumentality is operated by the owner for another who has hired him to operate it.

"2. Naturally there is a paucity of precedents to which we may look for guidance. The only decisions in point are by the Supreme Court of Nebraska in *Sorenson* v. *Wood,* 243 N. W. 82, and by the Supreme Court of Washington in *Miles* v. *Wasmer, Inc.,* 20 P. (2d) 847. The rulings in those cases are in accord with the views expressed in this opinion. While those cases might perhaps have been decided on the ground of negligence they were decided on the ground of absolute liability for the broadcasting of defamation.

"The conclusion is that upon the facts the plaintiff has a cause of action against the resident defendant and has stated that cause of action.

ORDER

"Plaintiff's motion to remand, having been duly considered by the Court, and the Court being fully advised in the premises, is by the Court sustained. IT IS SO ORDERED."

WLW POWER REDUCTION SUGGESTED

The Federal Communications Commission has issued the following order with reference to the use of 500 kilowatts by WLW:

"Upon consideration of the protest of the government of Canada, the Commission pursuant to the provisions of special temporary experimental authority to the Crosley Radio Corporation File No. B-2SA2 directed the secretary to notify the Crosley Radio Corporation by letter that said special temporary experimental authority will be cancelled upon its termination in accordance with expressed provisions at 3 a. m., EST, February 1, 1935. The secretary is further instructed to notify the Crosley Radio Corporation Station WLW that any application for like additional special experimental authority to receive the consideration of the Commission shall contain the following specifications:

"To operate with a power of 500 kilowatts daytime and 50 kilowatts nighttime, or 500 kilowatts nighttime provided such a radiating system is employed so that the effective signal delivered in the area between Niagara Falls, N. Y., and Lockport, N. Y., and Lake Ontario does not exceed the effective signal delivered in that area when operating with 50 kilowatts. To determine that the signal has been so restricted, measurements shall be taken within the area above, operating first with 50 kilowatts and conventional antenna and then with the directional antenna for alternate 15-minute periods and continuous field intensity recordings made. These measurements shall be made on two nights between 12 midnight and 4 a. m. and supplied to the Commission before February 1, 1935, for approval."

KVOS WINS AP CASE

The text of the opinion handed down by Judge John C. Bowen, of the U. S. District Court of the Northern District of Washington, in deciding the suit of the Associated Press against KVOS, Inc., in favor of KVOS, follows:

"This cause is now before the court on complainant's bill of complaint, order to show cause why a temporary injunction should not issue, defendant's motion to dismiss the bill, and supporting affidavits on both sides of the controversy.

"The record discloses several points for decision, but the question most strenuously urged upon the court's attention is whether defendant radio station, not engaged in supplying news to other radio stations for broadcasting by them, can broadcast over its own station gratuitously to its radio listeners news reports supplied by complainant news agency to its member newspapers, after those news reports have been printed in regular issues of the newspapers and distributed to the public. The case is an important one, and a proper consideration of it necessitates the full statement of facts and issues now following.

"The bill of complaint alleges that complainant, The Associated Press, is a corporation, and a resident and citizen, of New York; that the defendant is a Washington corporation, having its principal place of business at Bellingham in said state; and that the amount in controversy is in excess of $3,000.00, exclusive of interest and costs.

"That complainant was incorporated in 1900 under the Membership Corporations Law of the State of New York and its members are the proprietors or representatives of numerous newspapers, morning and evening, published throughout the United States; that complainant is engaged in gathering from sources all over the world, through its own instrumentalities and by exchange with its members and others and by other appropriate means, any and all kinds of information, news and intelligence, telegraphic or otherwise, for the use and benefit of its members and distributing the same among its members for publication in the newspapers owned or represented by them, under and subject to the provisions of complainant's by-laws; that complainant has its own representatives in every important city in the world; that it has reciprocal arrangements with many important news agencies in foreign countries for interchange of news; that it has more than 1,200 members, each owning or representing a daily newspaper in the United States; that each of these members, as required by complainant's by-laws, supplies to complainant local news gathered by such member; that such news is promptly transmitted by wire or telephone to complainant's members and their newspapers; that complainant is thus able to assure to its members prompt collection and transmission of news from every point in the world; that complainant incurs great cost in collecting local and foreign news and interchanging news with other news agencies, such cost amouting each year to many millions of dollars, which is equitably divided amongst complainant's members, in accordance with its by-laws.

"That such service of complainant is of great financial and business importance to its members because it is practically and financially impossible for any one member alone to establish or maintain a requisite organization for collecting world news; that such cost is prohibitive to any one member acting alone; that such service, or similar service of world wide collection of news, is essential to modern daily newspapers and can be obtained only through a cooperative system or by purchase of news from some existing news agency privately owned; that in addition to the business importance to its members, such service of complainant is of great public importance in that it provides an accurate and impartial news service to the public.

"That such news service furnished by complainant to its members depends for its value to such members upon the promptness, accuracy and impartiality of the news furnished and on the transmission thereof by complainant to its members earlier than similar information can be furnished to other newspapers competing with complainant's members; that complainant's members are required not to furnish non-member newspapers with such news; that complainant's plan of operation requires that news collected by it shall remain confidential and secret until publication of its news has been fully accomplished by all of complainant's members, in order that competing newspapers and news agencies shall not receive the benefit of complainant's service without paying therefor; that news received through complainant's service is, by complainant's by-laws, received exclusively for publication in member newspapers and upon the condition that members shall make no other use of such news and that members and their employees will not furnish complainant's news in advance of publication to any non-member and will not permit any one else to furnish such news, including local news gathered by any member, to non-members.

"That the defendant KVOS conducts a radio station in the city of Bellingham, Washington, which makes daily broadcasts from 7 o'clock in the morning to 11 o'clock in the evening, consisting of programs of substantially the same kind as commonly given by radio broadcasting stations; that the defendant radio station, as a part of its daily programs, conducts three times daily news broadcasts, commonly called "Newspaper of the Air"; that the first of such news broadcasts is from 9:15 to 9:45 o'clock A. M., the second from 12:15 to 12:45 during the noon hour, and the third and last is from 7 to 7:45 o'clock in the evening; that defendant claims and the fact usually is that such radio news broadcasts comprise the reading of the most important and most interesting news events of the day.

"That three of complainant's member newspapers, to-wit: the Bellingham Herald, published at Bellingham, Washington; the Seattle Post-Intelligencer and the Seattle Daily Times, both of Seattle, Washington, about 93 miles distant from Bellingham, publish and distribute daily newspapers, including news furnished and controlled by complainant's news service, in the territory served by defendant's radio broadcasting station; that for each morning broadcast from 9:15 to 9:45 o'clock defendant radio station obtains copies of the morning editions of the Bellingham Herald and Seattle Post-Intelligencer and systematically reads therefrom the whole or most important paragraphs or parts, sometimes verbatim and sometimes slightly rearranging the wording, of the most important and most interesting news items in those newspapers, including the items furnished to such newspapers by complainant and including news items gathered by its member newspapers as local news and belonging to complainant; that for defendant's evening broadcast of each day, except Sunday, from 7 to 7:45 o'clock, defendant regularly obtains copies of the latest editions of the Bellingham Herald, evening edition, and the Seattle Daily Times, and systematically reads therefrom such news items; that the morning edition of the Bellingham Herald, so used by defendant, goes to press at approximately 3:30 o'clock A. M. of each day; that the morning edition of the Seattle Post-Intelligencer, so used by defendant, includes all of the news furnished by complainant to it up until 11:30 o'clock in the evening of the day before; that the evening edition of the Bellingham Herald, so used by defendant, includes all of the news furnished by complainant to it up to 4 o'clock of the afternoon of each day; that the evening edition of the Seattle Daily Times, so used by defendant, includes all of the news furnished by complainant to it up to 10 o'clock in the forenoon of the day it is published; that each one of these newspapers label local news items as 'local news,' which as to republication is controlled by complainant.

"That in respect to publishing of such news items the defendant radio station is in competition with those three newspapers; that defendant conducts such news broadcasts as a part of its business of operating its radio station; that its radio station is a business enterprise conducted for profit, the profit being derived from sale of time over its radio station for advertising purposes to persons, firms and corporations desiring to advertise their businesses or products and desiring to purchase time from defendant radio station in which to advertise and promote their businesses or products; that the value of such time for advertising purposes of defendant's radio station depends practically entirely upon the popularity of its station, that is, upon the number of persons who usually listen to defendant's radio programs; that the object and purpose of such radio news broadcasts over the defendant's station is to popularize its station by making its programs interesting through news broadcasts and thereby inducing a greater number of persons to listen to defendant's programs, whereby the value of time over defendant's broadcasting station for such advertising purposes is enhanced.

"That the major portion of revenue derived by complainant's newspaper members is derived from the sale of space in those newspapers for advertising purposes; that the value of such newspaper advertising space depends largely upon the number of readers of the newspapers and the number of such readers depends practically entirely upon the freshness and interest of the news, intelligence and information contained in the newspapers; that such news ceases to be fresh and interesting after it has become generally known and that the 'news value' of such news is practically destroyed as soon as, or shortly after, the same becomes generally known; and that by virtue of the matters aforesaid defendant has become and is a competitor of complainant and its newspaper members in the obtaining and distribution of news, and such competition necessarily involves rivalry and business competition in being the first to obtain and distribute such news for the purpose of popularizing and making more attractive the respective advertising mediums of the defendant's radio station and complainant and its newspaper members.

"That the defendant radio station does not have any organization of its own for the purpose of gathering or obtaining news except as to some local items not complained of and does not purchase news from any news agency, but on the contrary regularly and continuously follows the practice of 'pirating' the news, intelligence and information gathered at great expense by complainant and its members as mentioned above; that such practice of defendant constitutes unfair competition by defendant against complainant and its members, depriving them of the just benefits of their labors and expenditures, and causing dissatisfaction among complainant's newspaper members, due to the fact that defendant is thus able to spread and disseminate, throughout the territory served by its station, in advance of dissemination by complainant's members, the same identical news which is paid for and obtained by the members from complainant; that, in effect, if defendant radio station continues such practice of pirating complainant's news in the future, complainant and its members will suffer irreparable injury and damage therefrom and complainant's efforts and expenditures to gather and obtain news will be rendered largely without reward or value so far as concerns the territory served by defendant radio station; that complainant is without speedy, complete or adequate remedy at law or otherwise except through injunction, and an appropriate prayer for injunction relief is set out in complainant's bill of complaint.

"Upon filing its bill of complaint and upon application of complainant supported by affidavits, the court issued the above mentioned show cause order directing the defendant to show cause why a temporary injunction should not issue pending trial on the merits and restraining defendant from such alleged pirating of news pending the hearing on show cause order. Thereupon defendant appeared by motion to dismiss the bill of complaint on the grounds, among others, that the bill does not recite facts sufficient to entitle plaintiff to the relief prayed for and is without equity; that in fact the amount in controversy does not exceed the sum of $3,000 exclusive of interest and costs; and that the Bellingham Herald, a local corporation, is a necessary party complainant and that the failure to join the Bellingham Herald is the result of collusion between complainant and the Bellingham Herald, designed to avoid appearance of the fact stated in defendant's motion that by reason of the absence of the Bellingham Herald as a party complainant, there does not exist in reality the requisite diversity of citizenship. Defendant also filed affidavits in response to the show cause order, and to defendant's affidavits complainant filed rebuttal affidavits. The matter was argued on the questions raised by the show cause order and motion to dismiss, and submitted to the court on briefs.

"Plaintiff cites: International News Service v, Associated Press, 248 U. S. 215; Chamber of Commerce v. Federal Trade Commission, 13 F. (2d) 673; Miles v. Wasmer, Inc., 172 Wash. 466; The Associated Press v. Sioux Falls Broadcast Association, decided by Judge Jas. D. Elliott of the United States District Court of South Dakota at Sioux Falls, on March 14, 1933, being cause No. 377, S. D. Eq.; Times Picayune Publishing Co. v. Ohalt, District Court for the Parish of New Orleans, Louisiana, decided June 29, 1933; Unfair Competition and Trademarks (2nd ed.), by Henry Nims (intro.); Hopkins on Trademarks, Tradenames and Unfair Competition (3rd ed.), pages VIII and 365; Unfair Competition and Trademarks (2nd ed.), by Henry Nims, page 739; Board of Trade v. Christie Grain & Stock Co., 198 U. S. 236; National Teleg. News Co. v. Western U. Teleg. Co., 119 Fed. 294; Moore v. New York Cotton Exchange, 296 Fed. 61; Coca-Cola Company v. The Old Dominion Beverage Company, 271 Fed. 600; Hoffman Brewing Company v. M'Elligott, 259 Fed. 321; Connecticut Tel. & Electric Co. v. The Automotive Engineering Company, 14 F. (2d) 957; Marucci v. United Can Company, 278 Fed. 741; Kinney-Rome Company v. Federal Trade Commission, 275 Fed. 665; Milliken v. Stone, 16 F. (2d) 981; Produce Reporter Company v. Fruit Produce Rating Agency, 1 F. (2d) 58; Jeweler's Circular Publishing Company v. Keystone Publishing Company, 281 Fed. 83; Hubbell v. General Electric Company, 262 Fed. 155; Cleveland Cliffs Iron Company v. Kinney, 262 Fed. 980; Criterion Advertising Company v. Seely, 4 Fed. (2d) 932; Vick Chemical Company v. Vick Medical Company, 8 F. (2d) 849; Reichelderfer v. Quinn, 287 U. S. 315; Cheney Bros. v. Doris Silk Corporation, 35 F. (2d) 279; 47 U. S. C. A., Sec. 605; Board of Trade v. McDermott Company, 143 Fed. 188; Wreckmeister v. American Lithograph Co., 134 Fed. 321; Board of Trade v. Tucker, 221 Fed. 305; Coca-Cola Co. v. Old Dominion Beverage Corp., 271 Fed. 600; Montgomery, Section 210; Southwestern Tel. & Tel. Company v. Walker Grain Company, 3 F. (2d) 819; Montgomery, Sec. 207; West v. Woods, 18 Fed. 665; Eisele v. Oddie, 128 Fed. 941; Ragsdale v. Rudich, 293 Fed. 182; American Railroad Company v. South Porto Rico Sugar Company, 293 Fed. 670; Brendt v. Charles H. Lilly Company, 202 Fed. 335; Local No. 7 of Bricklayers', Etc., Union v. Bowen, 278 Fed. 271; Presto Light Company v. Bournonville, 260 Fed. 440; Federal Equity Rules, Rule 39, Hopkins (6th ed.), p. 228; Norfolk Southern R. Co. v. Stricklin, 264 Fed. 546; Thomas v. Anderson, 223 Fed. 41; Wolrath v. Roberts, 12 F. (2d) 443; Sioux City Terminal R. & W. Company v. Trust Company, 82 Fed. 124; Equitable Trust Company v. Denney, 24 F. (2d) 169; Montgomery's Manual of Federal Jurisdiction and Procedure (3rd ed.), Sec. 178; Federal Equity Rule 38, Hopkins (6th ed.), p. 226; Merchants' & Manufacturers' Traffic Ass'n v. U. S., 231 Fed. 292; Foster's Federal Practice (6th ed.), Sec. 114; Hopkins Federal Equity Rules (6th ed.), p. 189; Wright v. Barnard, 233 Fed. 329; Bogert v. Southern Pacific Railroad, 211 Fed. 776; Destructor Company v. City of Atlanta, 219 Fed. 996; Fordham v. Hicks, 224 Fed. 810; Ralston Steel Car Company v. National Dump Car Company, 222 Fed. 590; Rorick v. Board of Commissioners, 27 F. (2d) 377; Loughran v. Quaker City Chocolate Company, 281 Fed. 186; and O'Keefe v. City of New Orleans, 273 Fed. 560.

"Defendant cites: Montgomery's Manual of Federal Jurisdiction and Procedure, Secs. 183, 178, 176, 89, 174, 200, 209, 201 and 211; 2 A. L. R. 312; 21 C. J. 258, 260, 263, 273 to 275, Vashon Fruit Union v. Godwin & Co., 87 Wash. 384; 14 C. J. 57, United Copper Securities Co. v. Copper Co., 24 U. S. 261; Interventions News Service, 63 Law Ed. 212 (notes); 14 C. J. 929; Opportunity Christian Church v. Wash. Water P. Co., 136 Wash. 116; Montgomery's Manual of Federal Jurisdiction and Procedure, p. 577; 2 A. L. R., pp. 302 and 304; The Law of Radio Communication by Stephen Davis, p. 1; Journal of Air Law, 1931, Vol. II, p. 63 (case decided by Supreme Court of Germany, April 29, 1930); Air Law Review, published by Board of New York University Law School in 1933, Vol. 4, p. 323; Piracy of Broadcasting Programs, by Louis G. Caldwell, 30 Columbia Law Review, p. 1087; Journal of the Senate, 48th Congress, First Session, p. 548, Senate Bill No. 1728; House of Lords, Sessional Papers, 1898, Vol. III, Bill No. 21; Davies v. Bowes, 209 Fed. 56; International News Service v. Associated Press, 63 Law Ed. 212 (notes); Board of Trade v. Christie Grain Co., 198 U. S. 236; Harold Lloyd Corporation v. Wittier, 65 Fed. (2d) 1; Waters v. Phillips, 284 Federal 237; 204 Fed. 299; 190 Fed. 767; 19 Fed. 641; McCarthy v. Bunker Hill Co., 164 Fed. 927; Ex parte Young, 209 U. S. 123; Farmers Bank v. Commissions, 295 Fed. 755; The Rights and Privileges of the Press, p. 87; The Tribune Company of Chicago v. Associated Press, 116 Fed. 126; New York and Chicago Grain v. Stock Exchange, 19 N. E. 855; Munn v. Illinois, 94 U. S. 113; 22 American Journal of International Law 385; Cheney Bros. v. Doris Silk, 35 F. (2d) 279; Reichelderfer v. Quinn, 53 Sup. Ct. Rep. 159; Public Ledger v. New York Times, 275 Fed. 562; Dodge Corp. v. Comstock, 251 N. Y. S. 172; and Atlantic Monthly Pub. Co. v. Post Pub. Co., 27 F. (2d) 556; Art. I, Sec. 8, par. 8, U. S. Constitution.

"The rule is that a motion to dismiss in equity must be judged solely by plaintiff's pleadings and for the purposes of the motion all facts well pleaded are taken as true. The question raised in defendant's motion that in fact the amount in controversy does not exceed the sum of $3,000.00 is, by that rule, disposed of adversely to the defendant.

"The question raised, also, in the motion to dismiss that there is a defect of parties complainant in that the Bellingham Herald was not joined, must likewise be resolved against defendant, upon the authority of Federal Equity Rule 38, Hopkins (6th ed.), page 226, which provides:

> " 'When the question is one of common or general interest to many persons constituting a class so numerous as to make it impracticable to bring them all before the court, one or more may sue or defend for the whole,'

and upon the authority of Merchants & Manufacturers Traffic Ass'n. v. U. S., 231 Fed. 292, where the court said:

> " 'We see no objection to classes of persons similarly situated being represented by an association or other organization and coming into the controversy under the common name. This, we think, brings this case within the well-known rule that bills may be filed in the name of an unincorporated association and by parties on behalf of others similarly situated,'

and in view of the further fact that it is alleged in complainant's bill, paragraph 5, page 2, 'that complainant has more than 1200 members, each owning or representing a daily newspaper in the United States,' and as stated elsewhere in the bill in effect that those members are similarly situated.

"The foregoing leaves to be disposed of only the remaining question, also raised by the motion to dismiss, as to whether the bill states a cause of action in equity or any facts entitling complainant to the relief now sought.

"Responding to complainant's bill and affidavits alleging that defendant obtains copies of morning editions of complainant's member newspapers and systematically reads therefrom over the radio to defendant's radio listeners the news reports in question, the statements in the affidavit of L. H. Darwin on behalf of defendant categorically deny those allegations on behalf of complainant and set forth many news sources, other than complainant's news service, available to affiant by reason of his previous experience as a newspaper man and public official and of his broad acquaintanceship.

"Affiant Rogan Jones, in this affidavit on behalf of defendant, states in effect that as to the general news reports used in such radio news broadcasts, the same are obtained by the defendant under its contract with Radio News Association of New York City, which is a radio news service maintained for radio broadcasting stations which contract for that service, and that such news reports are broadcast from New York by that Association to defendant and others entitled to them, by short wave length, three or more times daily, from 6 to 7 a. m., 9:30 to 10:30 a. m., 2 to 3 p. m., and 5:30 to 6 p. m., Pacific Standard Time; that such news is copyrighted and is received by KVOS in Continental Code by a licensed operator on a special high-grade and expensive apparatus in Bellingham over an antennae arranged, located and designed especially for this news feature, after long and expensive experimentation by defendant's station. The statements in complainant's affidavits that defendant has in many specific instances read general and local news items claimed to belong to complainant's news service, or substantial portions of such items, are clear and convincing, and, when considered in connection with the less specific statements in defendant's affidavits as to defendant's sources of general and local news information, compel the conclusion, and the court so finds, that defendant has in its radio news broadcasts taken and 'pirated' local and general news dispatches in some specific instances as charged by complainant, but not until after such news items were published and distributed to the public in the regular public editions of the newspapers of complainant's members.

"Complainant does not assert any rights under a statute or the copyright laws. It is not contended that the defendant procured the questioned information through a breach of contract between complainant and its member newspapers or through some surreptitious or dishonest conduct or from a private or confidential source before the news reports were published and distributed to the public in a member newspaper. The bill charges unfair competition by the defendant and in its brief complainant argues, in addition to that charge, that it has a property right in the news items in question and that such property rights have been and are being violated by the defendant. In the argument before the court, counsel for complainant stressed its claim of unfair competition rather than its asserted property rights in the news reports. Complainant claims it has such property right in the news reports for at least twenty-four hours after first publication thereof in one of the newspapers of complainant's members, but that defendant has customarily broadcast the reports many hours before the expiration of such twenty-four hour period.

"As upholding such property right, complainant cites The Associated Press v. Sioux Falls Broadcast Association, decided by Judge Jas. D. Elliott of the United States District Court of South Dakota at Sioux Falls, on March 4, 1933, being cause No. 377 S. D. Eq., and International News Service v. Associated Press, 248 U. S. 215. Complainant insists that the South Dakota case, upholding complainant's alleged property rights, is supported by the authority of the International News Service case. A certified copy of the findings and conclusions of the South Dakota case supplied to this court by complainant, discloses that Judge Elliott ruled that complainant and its members have 'what a court of equity will treat as a property right in news gathered and disseminated by complainant and also so called local news gathered by members of complainant and which members of complainant are obligated to transmit to complainant,' but a careful review of the International News Service case fails to disclose a statement by the Supreme Court to the effect that complainant in that case acquired or had an absolute property right as such in news gathered by it and supplied to its member newspapers for any time after distribution to the public, or indeed for any time whatever, either before or after such publication. There seems to be no room for question that the true construction of the rule of the majority decision in that case is confined to the actual holding on the particular facts there involved and that the case turns on the point that the pirating news agency was guilty of unfair competition, in view of the opinion of Justice Pitney speaking for the majority, at page 241 (of 248 U. S.), as follows:

> " 'It is said that the elements of unfair competition are lacking because there is no attempt by defendant to palm off its goods as those of the complainant, characteristic of the most familiar, if not the most typical, cases of unfair competition. (Citing) But we cannot concede that the right to equitable relief is confined to that class of cases. In the present case the fraud upon complainant's rights is more direct and obvious. Regarding news matter as the mere material from which these two competing parties are endeavoring to make money, and treating it, therefore, as *quasi* property for the purposes of their business because they are both selling it as such, defendant's conduct differs from the ordinary case of unfair competition in trade principally in this that, instead of selling its own goods as those of complainant, it substitutes misappropriation in the place of misrepresentation, and sells complainant's goods as its own.'

"At page 240 Justice Pitney further says:

> " 'But in a court of equity, where the question is one of unfair competition, if that which complainant has acquired fairly at substantial cost may be sold fairly at substantial profit, a competitor who is misappropriating it for the purpose of disposing of it to his own profit and to the disadvantage of complainant cannot be heard to say that it is too fugitive or evanescent to be regarded as property. It has all the attributes of property necessary for determining that a misappropriation of it by a competitor is unfair competition because contrary to good conscience.'

"Thus, the most that can be said of the majority rule in that case is that the majority reasons on an issue of unfair competition between news agencies in business for profit, that the complainant, whose labor and facilities have developed the news report up to the point at which the profit could first be realized, might be said to have a *quasi* property in the news reports gathered by it for the purposes of its business as against the unfairly competing news agency, and that on such an issue of unfair competition in business a pirating 'competitor who is misappropriating such news for the purpose of disposing of it to his own benefit and to the disadvantage of complainant cannot be heard to say that it is too fugitive or evanescent to be regarded as property.' By fair construction, it is not thought that a majority of the court in the cited case meant to hold that in all cases, for all purposes, the complainant there had an absolute property right in the news reports, and this court is of the opinion that, as against this defendant radio station, the complainant here has no property right for any time whatever in the questioned news reports after they are published.

"On the question of unfair competition, the International News Service case is not controlling here, because the rule of that case is confined to the peculiar facts there involved and they are unlike the facts here. In that case a majority of the court held there was unfair competition between plaintiff and defendant, both of whom were news agencies engaged for profit in gathering and distributing news reports to their respective contract members. In the case at bar, the defendant is not in any way pirating the news reports furnished by the complainant for the purpose of selling them or distributing them for profit to radio news broadcasters or other news publishers. The fact that in so far as disseminating news is concerned the defendant radio station may be performing a service similar to that of member newspapers of the complainant, does not necessarily of itself constitute the defendant a competitor even of a member newspaper of the complainant, because the member newspaper disseminates news for profit through sale of newspapers, while the defendant radio station receives no compensation for disseminating news to the public, but does so free of charge therefor. Complainant contends that the news broadcast service is maintained by defendant radio station in order to make its time allocated to advertising service more valuable to advertisers through building up a broader field for effective advertising; and that, similarly, the field of effective advertising through complainant's member newspapers is broadened by extending the field of newspaper distribution. A newspaper publisher gets paid not only for the advertising space in his newspaper purchased by advertisers, but also for each particular copy of his newspaper distributed to the public. The defendant radio station is not, therefore, directly in competition with complainant's member newspapers in respect to the business of disseminating news for profit. The mere fact that the defendant radio station competes for business profit with complainant's member newspapers in the advertising field does not make of the defendant and such newspapers competitors for business profits in the dissemination of news. Nor can it rightly be said that the taking or pirating by defendant, from complainant's members' newspaper issues regularly distributed and dedicated to the information of the public, of news reports and the broadcasting by defendant of such reports over its station to its radio listeners without compensation or direct profit therefor, constitute unfair competition by defendant with the business of news gathering and dissemination for profit by complainant of its member newspapers. In this connection it is pertinent to note the language of the majority opinion in the International News Service case, at pages 239-240 of the report of that case, as follows:

> " 'The right of the purchaser of a single newspaper to spread knowledge of its contents gratuitously for any legitimate purpose not unreasonably interfering with complainant's right to make merchandise of it, may be admitted; but to transmit that news for commercial use in competition with complainant—which is what defendant has done and seeks to justify—is a very different matter. * * * Stripped of all disguise the process amounts to an unauthorized interference with the normal operation of complainant's legitimate business precisely at the point where the profit is to be reaped in order to divert a material portion of the profit from those who have earned it to those who have not; with special advantage to defendant in the competition because of the fact that it is not burdened with any part of the expense of gathering the news. The transaction speaks for itself and a court of equity ought not to hesitate long in characterizing it as unfair competition in business.'

"But as above pointed out, defendant here disseminates the questioned news reports to its listeners gratuitously and without profit and for that reason complainant's case against the defendant on the facts here must, insofar as the same is based on the rule of the cited case, fail. The rule of the majority of the Supereme Court in the cited case relied upon by complainant, does not, on the question of unfair competition, apply to the facts in the case at bar.

"Complainant also brings forth in its behalf the case of The Associated Press v. Sioux Falls Broadcast Association, decided by Judge Jas. D. Elliott of the United States District Court of South Dakota at Sioux Falls, on March 4, 1933, being cause No. 377, S. D. Eq. This court has not had access to the opinion of Judge Elliott in that case, but from a certified copy of the findings and conclusions in the case it appears that the facts involved in it are substantially on all fours with the facts in the case at bar. It is argued that Judge Elliott considered the rule of International News Service v. Associated Press, supra, applicable and controlling in the case before him, but, if Judge Elliott entertained that view, this court finds itself respectfully unable to concur in Judge Elliott's interpretation and application of the law.

"Complainant has cited other authorities reviewed by the court, but, without mentioning them all, it seems that the more important of them involve unlicensed use by the defendant of market or trade quotations or trade information compiled through special skill or inventive labor, and generally distributed not to the public at large, but only under contract to trade members. In the case at bar, no special skill or inventive labor is involved.

"The case of Tribune Co. v. Associated Press, 116 Fed. 126; the dissenting opinions of Justices Holmes and Brandeis in International News Service v. Associated Press, supra; the opinion of Circuit Judge L. Hand in Cheney Bros. v. Doris Silk Corporation, 35 F. (2d) 279; and the reasoning of the court in the German case reviewed in Journal of Air Law, 1931, Vol. II, page 63, all announced principles more clearly applicable to the facts here involved.

"Complainant, on page 26 of its brief, cites the Communications Act of 1934, Title 47 U. S. Code Anno., Sec. 605, 1934 Cumulative Annual Pocket Part, and quotes therefrom as follows:

> " 'And no person, not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purported effect or meaning of such intercepted communication to any person; and no person, not

> being entitled thereto, shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained, for his own benefit or for the benefit of others not entitled thereto;'

"and complainant argues that the German case cited by defendant, which refused to protect a radio broadcaster from pirating of its news by a newspaper, could not apply to the case at bar by reason of the provisions of the cited Communications Act; but that statute specifically applies only to communications by wire or radio and does not apply to communications published in a newspaper. The German case, therefore, holding that the radio broadcaster has no right in news which can be protected after the news has been broadcast by radio to the public, may at least be said to indicate the modern trend and to point out the policy of a leading European country in protecting the public interest in news and in denying private business claims thereto from the moment the news is first dedicated to the use of the public, and, insofar as the principles announced therein apply to similar acts not controlled by specific law or authority, the German case is worthy of appropriate consideration here in the absence of other controlling authority to the contrary. The facts in that case are more nearly analogous to the facts in the case at bar than are those stated in any other cited case except the South Dakota case.

"This court holds that when general news furnished by complainant, or local news claimed to be under its control as regards republication, has been printed in a regular issue of complainant's member newspapers and that issue has been, in the ordinary course, published and distributed to the public, such news reports from that moment belong to the public, including the defendant and all others who may desire to use them, for all purposes except for sale by a rival news agency to its news publishing members, and that the mere fact that defendant disseminates gratuitously those news reports as a part of its radio service after they have been so received by defendant contemporaneously with other members of the public, does not prevent defendant from so receiving and using such news reports, since such practice by defendant does not involve the pirating by one news gathering and distributing agency of news reports of another such agency, as was the case in International News Service v. Associated Press, supra.

"Another very important phase of this case is that disclosing the everlasting conflict between private enterprise and public interest. The case occasions restatement of the principle that improved instrumentalities for the advancement of social progress and public convenience, including agencies for improved free speech and free press, must not be discarded for the sake of private enterprise, unless such hindrance of the public interest be required by positive law or clear contract. To refuse the interpretation of its rights desired by complainant may as contended result in incidental financial loss to it, but, in the absence of law or contract, it is in this situation for Congress alone to abridge the public interest in favor of complainant's private enterprise; but Congress so far, even after giving the subject specific consideration in the past, has failed to take any action in the premises.

"The relative positions of complainant and defendant in the communication of news may be better understood by recalling to view the history of the important phases of our development in the fields of transportation and communication. In the earliest period of our country's history communication of private dispatches and public news was by individual courier on foot or, like Paul Revere, on horseback. Later came the stage coach with the mails, always pressing onward to new frontiers. Next, the locomotive, or, as originally known, the 'iron horse,' developed the mail express, soon however yielding a portion of its communications business to the telegraph and telephone, and later yielding much of its business to its preesnt aggressive competitors, the motor bus, motor truck and airplane. In many instances, electric street railways have been forced out of business by the more convenient and efficient motor bus.

"These improvements and developments have occurred in the field of news communication as well as in transportation, and have facilitated and have been indispensable to the march of progress in which the public has been most vitally interested, and, in respect to them, the protection of private investment has had to yield to the convenience of the public. A fair construction of the true situation in the case at bar is that it involves an exemplification of the greater efficiency of modern news dissemination instrumentalities as compared with those of by-gone days, which, in those days, adequately served alike private enterprise and public interest. Complainant's and its newspaper member's facilities are not likely to pass into disuse as some news communication instrumentalities have in the past, but the service which complainant's facilities have rendered to the past or may render to the future cannot be employed to hinder the use of more modern means, including those of the defendant radio station, which, in some respects, surpass complainant's facilities to an extent comparable to the advantage of the airplane over those of the railroad train.

"Accordingly, the proper protection of complainant's business, news service contracts and invested capital cannot justify withholding from the public the more speedy and more extensive dissemination of news through the improved instrumentalities of defendant radio station and others similarly situated, even when news reports broadcast by defendant or others gratuitously to their radio listeners have been taken from sources originated or controlled by complainant, if the reports have already been dedicated to the information of the public in a publicly distributed issue of complainant's member newspaper, unless such dissemination is in violation of some clear contract between complainant and defendant or complainant's member newspapers, or in violation of some positive law or well defined general rule of conduct. This court is advised of no such positive law, contract or rule of conduct, applicable to the facts here; and upon the foregoing considerations of fact and law the court concludes that the bill states no cause of action in equity nor any facts entitling complainant to the injunctive relief now sought.

"The temporary restraining order will be dissolved, the defendant must be discharged from the show cause order, and the temporary injunction will be denied. As in the court's view the bill cannot in any event succeed, it must be dismissed. Counsel may propose appropriate form of order."

RECOMMENDS DENIAL NEW OHIO STATION

A. R. Montgomery applied to the Federal Communications Commission for authority to erect a new experimental broadcast station at Findlay, Ohio, to operate from 6 a. m. to midnight, using 1530 kilocycles, with 1,000 watts power.

Ralph L. Walker (e) in his Report No. I-15 recommends that the application be denied. The Examiner found that the applicant is not financially or technically qualified to construct and operate the proposed station and "the operation of a station as proposed would cause interference detrimental to the authorized experimental work of a station heretofore licensed."

SUGGESTS GRANTING ARKANSAS APPLICATION

T. H. Barton applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at El Dorado, Ark., to use 100 watts, unlimited time, and to operate on a frequency of 1370 kilocycles.

R. H. Hyde (e) recommended in his Report I-14 that the application be granted because the applicant is qualified to construct and operate such a station, there is need for radio service in the proposed area, and that the granting of the application would serve public interest.

INJUNCTION FILED AGAINST COMMISSION

An injunction has been filed in the Supreme Court of the District of Columbia against the Federal Communications Commission by the Toledo Broadcasting Company, Toledo, Ohio, asking the Court to order the Commission not to hold a hearing on the transfer of a competing station.

The Toledo Company, operating Station WSPD, stated that Station WALR of Zanesville, Ohio, had asked for a transfer of its license so that it could operate in Toledo. Because of the effect this would have on its business, the Toledo station sought permission to intervene in a hearing which will be held January 4. The Commission refused the request, hence the application for injunction.

NEW RADIO BOOK TO BE PUBLISHED

The most comprehensive discussion of American broadcasting to appear in recent years will be contained in the Annals of the American Academy of Political and Social Science, to be issued on January 10. The volume is entitled "Radio: The Fifth Estate" and is edited by Dr. Herman S. Hettinger, of the University of Pennsylvania, now associated with the NAB on special research.

Among the important subjects discussed in the volume by leading authorities are the following: The regulation of broadcasting, by the Hon. Hampson Gary, Chairman, Broadcast Division, FCC; radio and public opinion, by William Hard; the future of radio advertising, by Roy S. Durstine, Vice President and General Manager, B. B. D. & O. agency; the regulation of radio advertising, by the Hon. Ewin L. Davis, of the Federal Trade Commission; radio and the press, by E. H. Harris and Senator C. C. Dill; freedom of speech over the air, by Louis G. Caldwell; new technical developments in broadcasting, by J. C. McNary, Technical Director of the NAB; commercial radio copy, by Charles F. Gannon, Erwin, Wasey & Co.; and the future of broadcasting, by John Erskine, musician and author.

Foreign contributors include leading executives of the British, German, Russian and Canadian systems.

Copies may be secured from the American Academy of Political and Social Science, 3457 Walnut Street, Philadelphia, Pa., at a cost of $2.00 for paper binding and $2.50 for cloth binding. The volume should be in every station library, as well as in your community library.

RECOMMENDS RENEWAL OF KFEQ LICENSE

Recommendation was made this week by George H. Hill (e) in Report No. I-13 that the application of Station KFEQ, St. Joseph, Mo., for license renewal be granted.

The Examiner found that the programs broadcast by Doctors Richards and Price "and the advertising announcements made for the Century Company did not service public interest"; however, says the Examiner, "the other programs broadcast over the station were generally meritorious and did serve public interest."

It is further stated in the Report that "the applicant has assured the Commission that programs such as broadcast by Doctors Richards and Price, and the advertising announcements for the Century Company, will not in the future be broadcast over Station KFEQ."

INJUNCTION ASKED BY WAVE

Station WAVE, Louisville, Ky., has asked the Supreme Court of the District of Columbia for a permanent injunction against the Federal Communications Commission to restrain it from holding a hearing in connection with the application of the O. K. Broadcasting asking for a construction permit for the erection of a new 100-watt station at Louisville. WAVE asked the Commission to be allowed to intervene in the case but the Commission denied permission. WAVE is therefore asking the injunction.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Blue Star Markets, Inc., Phoenix, Ariz. (2-589, Form A-1)
Greenland Trust. (2-1221, Form A-1)
La Luz Mining Corporation, Montreal, Canada. (2-1222, Form A-1)
Bondholders' Protective Committee for Houston Medical Arts Building, Houston, Tex. (2-1223, Form D-1)
Caribbean Fisheries, Inc., New York City. (2-1224, Form A-1)
Unified Debenture Corporation, Newark, N. J. (2-1225, Form D-1)
Interstate Debenture Corporation, Newark, N. J. (2-1226, Form D-1)
Empire Debenture Corporation, Newark, N. J. (2-1227, Form D-1)
Mitten Bank Securities Corp., Philadelphia, Pa. (2-1228, Form E-1)
Bankers National Investment Corp., Wilmington, Del. (2-1229, Form A-1)
New England Capital Corp., Cambridge, Mass. (2-1230, Form A-1)
Loomis-Sayles Second Fund, Inc., Boston, Mass. (2-1231, Form A-1)
Schotz Safety Razor Corp., Detroit, Mich. (2-1232, Form A-1)
Precious Metals, Inc., Buffalo, N. Y. (2-1233, Form A-1)
American Fidelity Corp., Ltd., San Diego, Calif. (2-1234, Form G-1)
Snowcrest, Inc., Wilmington, Del. (2-1235, Form A-1)
Protective Committee for Aurora & Elgin Railroad Co., Chicago, Ill. (2-1236, Form D-1)
Income Foundation Fund, Inc., Baltimore, Md. (2-1197, Form A-1)
Income Foundation Fund Trust Certificates. (2-1198, Form C-1)
Famise Corporation, Philadelphia, Pa. (2-1199, Form A-1)
Cornucopia Gold Mines. (2-1200, Form A-1)
Foundation Petroleum Corporation, San Diego, Calif. (2-1201, Form A-1)
Progress Baking Equipment Company, Inc. (2-1202, Form A-1)
Protective Committee for Municipal Bond Company, Los Angeles, Calif. (2-1203, Form D-1)
Arroyo Seco Gold Dredging Company. (2-1205, Form A-1)
United Telephone Company of Pennsylvania. (2-1206, Form A-1)
Protective Committee for Municipal Bond Co., Los Angeles, Calif. (2-1207, Form D-1)
Standard Depositors Corporation, Denver, Colo. (2-1208, Form C-1)
Greater Savannah Protective Committee, Savannah, Ga. (2-1210, Form D-1)
Bondholders Protective Committee, Methodist Hospital, Fort Worth, Tex. (2-1211, Form D-1)
Buffalo Ankerite Gold Mines, Ltd., Toronto, Canada. (2-156, Form A-1)
Noteholders' Protective Committee for Evansville Morris Plan Company. (2-1237, Form D-1)
San Francisco Mining Corporation, Inc., Mexico City. (2-1238, Form A-1)
Menasco Manufacturing Company, Los Angeles, Calif. (2-1239, Form A-1)
Committee for Protection of Bond Holders for various banks, Chicago, Ill. (2-1240, Form D-1)
Gas-Oil Products, Inc., Philadelphia, Pa. (2-1241, Form A-1)
Green Pastures Ice Cream Corporation, New York City. (2-1242, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, January 10, 1935

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Renewal of license and C. P. to move to Hoboken, N. J.; **1450 kc.**, 250 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WOL—American Broadcasting Co., Washington, D. C.—Modification of construction permit authorizing changes in equipment and increase in daytime power requesting extension of required date of completion.

WMEX—The Northern Corporation, Boston, Mass.—Modification of license to move main studio from Chelsea, Mass., to Boston, Mass.

NEW—Paul Sullivan Andrews, Lewiston, Me.—Construction permit for a new station to be operated on **560 kc.**, 250 watts power, daytime.

NEW—WDRC, Inc., Hartford, Conn.—Construction permit for new station to be operated on **1200 kc.**, 100 watts power, unlimited time.

Second Zone

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—License to cover construction permit (2-P-B-3334) to make equipment changes and move transmitter.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license (B2-R-750) to change specified hours by adding additional hours of 1:00 to 3:00 on Sunday, beginning 1-1-35.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Modification of construction permit (B-2-P-119) to make changes in equipment and giving exact transmitter location as near Dayton, Ohio.

NEW—Brothers and England, Lorain, Ohio.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, daytime.

NEW—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time.

WSPD—Toledo Broadcasting Co.. Toledo, Ohio.—Modification construction permit (2-P-B-3277) as modified to make changes in equipment and move transmitter amended changes in equipment.

Third Zone

NEW—Price Siever, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

NEW—East Texas Broadcasting Co., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, specified hours, amended change hours to simul-day with KGKB and specified hours night from 8 p. m. to midnight.

NEW—Homer York, Lufkin, Tex.—Construction permit to erect a new broadcast station to be operated on **1340 kc.,** 250 watts, unlimited time, amended re studio location.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (3-P-B-2743) as modified to install new equipment, move studio and transmitter.

NEW—Lakeland Broadcasting Co., Lakeland, Fla.—Construction permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time, amended exact location transmitter and studio as Hotel Florida, Lakeland, Fla.

NEW—Hazlewood, Inc., West Palm Beach, Fla.—Construction permit for new station on **1420 kc.,** 100 watts power, unlimited time, amended change frequency from **1420 kc.** to **1200 kc.**

NEW—Jesse H. Jay, Miami, Fla.—Construction permit for new station on **1200 kc.,** 100 watts power, unlimited time.

NEW—Eugene DeBogory, tr. as Paris Broadcasting Co., Paris, Tex.—Construction permit for new station on **1500 kc.,** 100 watts power, daytime, amended re equipment.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of license to change hours of operation from simultaneous day, shares night with WAPI, to unlimited time (contingent upon the granting of WAPI application to change frequency to **590 kc.,** unlimited time.

NEW—Wilton E. Hall, Anderson, S. C.—Construction permit for new station on **1200 kc.,** 100 watts, unlimited, amended 12-12-34 re equipment and site of transmitter.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Construction permit to make equipment changes and increase power from 250 watts night, 500 watts day, to 500 watts night and 1 KW day, amended change location of transmitter.

KADA—C. C. Morris, Ada, Okla.—Construction permit to install new equipment, change power from 100 watts to 100 watts night and 250 watts day.

KXYZ—Harris County Broadcast Company, Houston, Tex.—Construction permit to make equipment changes, increase power from 500 watts to 1 KW.

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authorization to operate simultaneously with WTIC for license period ending 8-1-35.

NEW—Palm Beach Broadcasting Service, West Palm Beach, Fla.—Construction permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Modification of license to change hours of operation from specified to unlimited daytime and share time at night with new station at Dallas, Tex., if authorized.

Fourth Zone

WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to make equipment changes, increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day; change hours of operation from simul-day, S-WTRC night, to unlimited time.

WREN—Jenny Wren Company, Lawrence, Kans.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new station on **1010 kc.,** 1 KW power, unlimited time.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Modification of construction permit (4-P-B-3299) as modified to make changes in equipment.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—License to cover construction permit (4-P-B-3299) as modified to install new equipment and increase power, change location of transmitter, amended as to equipment.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Construction permit to make equipment changes.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—License to cover construction permit (B4-P-38) to increase power and change equipment.

WCBD—WCBD, Inc., Waukegan, Ill.—Modification of license to change frequency from **1080 kc.** to **1020 kc.,** change hours of operation from limited to limited daytime and such time after midnight as would be satisfactory to KYW.

WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change hours of operation by adding additional hours of 7:00 to 8:00 p. m., Wednesdays, Mondays, Fridays.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of SA to operate synchronously with WBBM from LS at Lincoln, Nebr., to midnight, CST, from 2-1 to 8-1-35.

NEW—Wm. A. Schall, Omaha, Nebr.—Construction permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time, amended to change frequency to **1500 kc.**

NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit for new station on **1500 kc.,** 100 watts, LS to midnight, specified hours, amended: 100 watts power and unlimited time.

W9XBY—First National Television, Inc., Kansas City, Mo.—License to cover construction permit authorizing erection of experimental broadcast station.

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, daytime.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to install new equipment.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construction permit to erect a new broadcast station to be operated on **1120 kc.,** 250 watts, unlimited time.

NEW—Mississippi Valley Broadcasting Co., Inc., Jefferson City, Mo.—Construction permit to erect a new broadcast station to be operated on **1310 kc.,** 100 watts, daytime.

KFRU—KFRU, Inc., Columbia, Mo.—Modification of license to change hours of operation from shares WGBF, WOS, simultaneously day with WGBF, to shares WGBF and simultaneously WGBF (contingent upon the release of these hours by WOS).

Fifth Zone

NEW—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Construction permit to erect a new broadcast station to be operated on **950 kc.,** 250 watts, daytime.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Construction permit to make equipment changes; increase power from 250 watts to 250 watts, 500 watts day; change hours of operation from daytime to unlimited.

NEW—Eagle Rock Broadcasting Co., Chas. A. Butler and E. Kaufman, Eagle Rock, Calif.—Construction permit for new station on **1160 kc.,** 250 watts, daytime.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Special experimental authorization to change frequency from **1280 kc.** to **610 kc.** for period ending 4-1-35.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (5-P-B-2837) as modified to extend completion date from 12-15-34 to 3-15-35.

KGIR—KGIR, Inc., Butte, Mont.—Modification of construction permit authorizing increase in daytime power requesting changes in equipment and extension of required commencement and completion dates.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to make changes in equipment and increase daytime power from 2½ KW to 5 KW.

KOL—Seattle Broadcasting Co., Seattle, Wash.—License to cover construction permit authorizing changes in equipment, increase in daytime power to 2½ KW and move of transmitter.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to Pioneer Broadcasters, Inc.

KXL—KXL Broadcasters, Portland, Ore.—Construction permit to change frequency from **1420 kc.** to **1410 kc.,** make changes in equipment, and increase power from 100 watts, 250 watts local sunset, to 500 watts.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Modification construction permit (5-P-B-3200) as modified to extend commencement date from 11-2-34 to 2-1-35 and completion date from 2-2-35 to 5-1-35.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification construction permit (5-P-B-3199) as modified to extend commencement date from 11-2-34 to 2-1-35 and completion date from 2-2-35 to 5-1-35.

KGB—Don Lee Broadcasting System, Los Angeles, Calif.—Modification construction permit (5-P-B-3223) as modified to extend commencement date from 11-2-34 to 2-1-35 and completion date from 2-2-35 to 5-1-35.

KGHL—Northwestern Supply Co., Inc., Billings, Mont.—Extension of special experimental authorization to operate on **780 kc.,** from 1-1-35 to 2-1-35.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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MANAGING DIRECTOR ON TOUR

In accordance with a resolution adopted at the last meeting of the Board of Directors, Philip G. Loucks, NAB Managing Director, left Washington last week on a trip, expected to last about two weeks, to include points in Ohio, Tennessee, Louisiana, and Florida.

NRA PRICE HEARING BEGINS

A public hearing before the National Recovery Administration on the subject of price provisions of the various codes began on Wednesday, January 9. The interests of the broadcasters' code will be represented by James W. Baldwin, Executive Officer of the Code Authority.

It is expected that the hearing will continue throughout several days. The list of speakers covers 22 pages, and approximately 2,000 people attended the first session.

The resolution of the NRA, under which the hearing is being held, follows:

"WHEREAS, The Recovery Administration has accumulated considerable experience with respect to the functioning of our industrial system under codes and the appropriate relationship of Government thereto, and

"WHEREAS, Any major policy should not be finally modified or confirmed until a full opportunity has been afforded all interested parties to supplement existing information,

"THEREFORE, BE IT RESOLVED, That the National Industrial Recovery Board conduct a series of Policy Hearings at which there shall be (a) consideration of proposed modifications or confirmations of policy on major problems now confronting the administration, such proposals to be announced in each case prior to the hearing scheduled for consideration of the particular policy; (b) presentation of an analysis of the experience of the Recovery Administration with respect to the particular subject thus scheduled for hearing; and (c) an opportunity for presentation of relevant facts, analyses and suggestions by industry and other interested parties.

"These Policy Hearings shall be limited to consideration of general aspects of the subjects announced, and there shall be no consideration at these hearings of the advisability of amending or modifying any particular code.

"AND, BE IT FURTHER RESOLVED, (a) That the first of these Policy Hearings be scheduled for January 9, 1935, on the subject of price fixing; and that at such hearing there shall be an opportunity for presentation by any interested party of any pertinent experience under codes and any other relevant material. While the practical results of the operation of such provisions in any given code may be presented, the hearing is for the purpose of considering the general aspects of price fixing and there shall be no consideration of the advisability of amending or modifying any particular code.

"(b) That the Board hereby announces as its proposal for this first hearing and as its present position with respect to price fixing that in the usual case it is inconsistent with the most effective functioning of our industrial system to have in or under codes of fair competition price fixing in the form of permanent schedules of minimum prices, with or without mandatory costing systems for the purpose of establishing minimum prices.

"(c) That the Board recognizes the value of permissive cost systems, emergency price provisions, and the dangers to the economic structure of destructive price cutting. It also recognizes that minimum prices may be proper for the normal operations of certain types of industry, but, in such cases, Government supervision and control would naturally tend to be increased.

"(d) That, after final determination of policy following this hearing, the Board will promptly take proper action looking toward having administration and code provisions made to conform to such policy."

SAUTHOFF RADIO BILL

Representative Sauthoff of Wisconsin has introduced a bill in the House (H. R. 3252) "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per centum per annum is charged, and providing a penalty."

The bill, which has been referred to the House Committee on Post Office and Post Roads, is as follows:

"That on and after the date on which this Act takes effect, no person, partnership, association, or corporation that makes a business of loaning money and charges a rate of interest in excess of 15 per centum per annum upon any sum loaned shall use for advertising its business either the United States mails or any broadcasting station with a range covering more than one State. Nor shall any such person, partnership, association, or corporation advertise its said business in any magazine, periodical, or other publication which is circulated in more than one State.

"SEC. 2. Any person, partnership, association, or corporation that violates any provision of this Act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than $50, nor more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"SEC. 3. This Act shall take effect from the date of its enactment."

COMMUNICATIONS COMMISSION APPROPRIATION

The House Committee on Appropriations on Wednesday favorably reported out the bill for appropriations in which the Federal Communications Commission is included.

The appropriation for the coming fiscal year as reported by the Committee is for $1,525,000, compared with $666,885 for the last fiscal year, or an increase of $858,115. During the past year the work of the Commission has been greatly increased. In reporting out this appropriation the Committee had the following to say in connection with the Commission:

"The Communications Act of 1934 abolished the Federal Radio Commission and created in its stead the Federal Communications Commission. The new agency was given all the powers and authority of the Federal Radio Commission and in addition the duty of regulating telephone, telegraph, cable, and all other forms of electrical communication. These duties had been vested, theretofore, in the Interstate Commerce Commission, the Post Office Department, and the State Department.

Salaries and expenses.—The bill includes the Budget estimate of $1,500,000, for the fiscal year 1936. The act creating the Federal

Communications Commission provided that the appropriation of $651,885 for the Federal Radio Commission for the fiscal year 1935 should be transferred to the new agency. The Commission will be able to operate until about February 1935 with the amount transferred to it from the Federal Radio Commission. A deficiency estimate for an amount proportional to the $1,500,000 requested for 1936 will be submitted for the remainder of the current year.

The work of the Commission falls into two main classes, namely, (*a*) regulating rates and services of all communication facilities and (*b*) the regulating, licensing, and policing of the uses of radio communication.

Printing and binding.—The bill carries the Budget estimate of $25,000. The original appropriation of $15,000 under this head for the current year was for the Federal Radio Commission and was transferred to the Federal Communications Commission by the act creating the latter. The enlarged functions of the new agency will necessitate the increase which has been provided for this item.

COURT DISMISSES APPEAL

The United States Court of Appeals for the District of Columbia has dismissed the WLBW appeal at the request of the appellant.

The Federal Communications Commission granted a construction permit for a new station at Erie, Pa., to Leo J. O'Melian. WLBW asked for a stay order from the Court, which was granted. The Court has allowed the request for dismissal of appeal.

RECOMMENDS APPLICATION DENIAL

Dr. William J. Reynolds and William J. Reynolds, Jr., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Selma, Ala., to use 1500 kilocycles, 100 watts power, and daytime hours operation.

In Report I-16, R. H. Hyde (e) recommended that the application be denied. The Examiner found that their application seemed to meet all formal requirements "but examination of their statements and testimony as to their financial responsibility leaves doubt as to their ability to finance the proposed station in a manner that would assure satisfactory operation." He therefore recommends that the application be denied.

RECOMMENDS GRANTING NEW LOUISIANA PERMIT

T. B. Lanford, R. M. Dea, and L. M. Sepaugh, doing business as the Calcasieu Broadcasting Company, applied to the Federal Communications Commission for authority to construct a new broadcasting station at Lake Charles, La., to use 1500 kilocycles, 100 watts power, and unlimited time on the air.

R. H. Hyde (e), in Report No. I-17, recommends that the application be granted. The Examiner found that the applicants have the necessary financial resources and technical ability to erect such a proposed station and that there is need for radio service in the area which such a station would cover.,

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

San Jose Water Works, San Jose, Calif. (1243, Form A-1)
Capital City Products Company, Columbus, Ohio. (2-1422, Form E-1)
Hog Mountain Gold Mining and Milling Co., Birmingham, Ala. (2-1245, Form A-1)
Arena Company, New Haven, Conn. (2-1246, Form E-1)
Payore Gold Mines, Ltd., Toronto, Canada. (2-1247, Form A-1)
Radio City Amusement Company, New York City. (2-1248, Form A-1)
Butterfly Consolidated Mines, Inc., Milwaukee, Wis. (2-1249, Form A-1)
Unitor Corporation, Detroit, Mich. (2-1250, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 14, 1935

Hearing Before Broadcast Division

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **770 kc.,** 10 KW, simultaneous daytime with WBBM, sharing night. Present assignment: **770 kc.,** 5 KW, simultaneous daytime with WBBM, sharing night.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—C. P., **770 kc.,** 50 KW, simultaneous daytime with KFAB, sharing night. Present assignment: **770 kc.,** 25 KW, simultaneous daytime with KFAB, sharing night.

Wednesday, January 16, 1935

Oral Argument Before Broadcast Division

KTAR—Ex. Rep. No. 1-2: KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license, **620 kc.,** 1 KW, unlimited time. Present assignment: **620 kc.,** 500 watts, 1 KW LS, unlimited time.

WKZO—Ex. Rep. No. 1-8: WKZO, Inc., Kalamazoo, Mich.—C. P., **590 kc.,** 250 watts, 1 KW LS, unlimited time. Present assignment: **590 kc.,** 1 KW, daytime.

KGFK—Ex. Rep. No. 1-4: Red River Broadcasting Co., Inc., Moorhead, Minn.—C. P., **1500 kc.,** 100 watts, unlimited time.

Thursday, January 17, 1935

NEW—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—Willard G. Demuth, Uhrichsville, Ohio.—C. P., **1420 kc.,** 100 watts, daytime.

NEW—O. K. Broadcasting Co., Louisville, Ky.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—O. K. Broadcasting Co., Cleveland, Ohio.—C. P., **1500 kc.,** 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of license to move studio from Chelsea to Boston, Mass.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted license to cover C. P.; **1210 kc.,** 100 watts, daytime only.

WOL—American Broadcasting Co., Washington, D. C.—Granted modification of C. P. to extend completion date from January 15 to May 15, 1935.

WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace, Saranac Lake, N. Y.—Granted C. P. to make changes in equipment and increase day power from 50 to 100 watts.

W2XHP—National Broadcasting Co., Inc., New York City.—Granted license to cover C. P. (general experimental); frequencies **25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000 kc.,** 150 watts.

W8XAI—Stromberg Carlson Tel. Co., Rochester, N. Y.—Granted license to cover C. P. (general experimental); **31600, 35600, 38600, 41000 kc.,** 100 watts.

W8XCN-W8XCO—Onondaga Radio Broadcasting Corp., Portable-Mobile.—Granted license to cover C. P. (general experimental); **31100, 34600, 37600, 40600 kc.,** 5 watts.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted consent to transfer control of corporation from of the WBAL Broadcasting Co. from Consolidated Gas, Electric Light and Power Co. to American Radio News Corp. (Licensed for **1060 kc.,** 10 KW, S-WTIC. Special authorization simultaneous daytime with KTHS on **1060 kc.** until 9 p. m., and synchronize with WJZ on **760 kc.,** 2½ KW, after 9 p. m.)

Second Zone

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts.

WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Granted consent to voluntary assignment of license to WFIL Broadcasting Co.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Granted consent to voluntary assignment of license to WFIL Broadcasting Co.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted license to cover C. P.; **1370 kc.,** 100 watts night, 250 watts day, specified hours.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted license to cover C. P.; **1200 kc.,** 100 watts night, 250 watts day, unlimited time.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—Granted license to cover C. P.; **1420 kc.,** 100 watts night, 250 watts day; sharing with WEED night, unlimited day.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted license to cover C. P.; **1370 kc.,** 100 watts night, 250 watts day, unlimited time.

Third Zone

WIOD—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Granted consent to transfer of control of Isle of Dreams Broadcasting Corp. from Jesse H. Joy to Metropolis Publishing Co.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted modification of license to increase day power from 2½ to 5 KW.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of C. P. to extend commencement date to December 21, 1934, and completion date to March 21, 1935.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted license to cover C. P.; **680 kc.,** 5 KW night, 5 KW day, limited.

NEW—Wilton E. Hall, Anderson, S. C.—Granted C. P. for new station to operate on **1200 kc.,** 100 watts, unlimited time.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted C. P. to install new equipment, increase day power from 1 to 5 KW, and change transmitter site to a location to be determined subject to approval of the Commission.

Fourth Zone

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted license to cover C. P.; **1210 kc.,** 100 watts night, 250 watts day, unlimited time.

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—Granted modification of C. P. to make changes in equipment. Also granted license covering C. P. which authorized move of station from Carter Lake to Davenport, Iowa, installing new equipment, and changing frequency from **1420 kc.** to **1370 kc.;** 100 watts, unlimited time.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Granted modification of C. P. to make changes in equipment. Also granted license covering C. P. authorizing local move of transmitter, making changes in equipment, and increasing daytime power from 1 to 2½ KW, 1 KW night; **1260 kc.,** unlimited time.

KGKF—Hilliard Company, Inc., Scottsbluff, Nebr.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

WJBC—Wayne Hummer and H. J. Deo, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted C. P. to make changes in equipment.

WJAC—The Norfolk Daily News, Norfolk, Nebr.—Granted C. P. to make changes in equipment.

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Granted C. P. to move transmitter from about 5 miles from Waterloo to a site to be determined near Cedar Rapids, and move studio from Waterloo to Cedar Rapids, on condition that no increase in interference results to WREC.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—Granted C. P. to move station from Cedar Rapids to site to be determined near Des Moines, and move studio to Des Moines.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

Fifth Zone

NEW—Louis Wasmer, Inc., Portable.—Granted C. P. (broadcast-pickup), **1606, 2020, 2102, 2760 kc.,** 100 watts.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted modification of license to change hours of operation from specified to limited.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted modification of license to increase day power from 500 watts to 1 KW.

KFSG—Echo Park Evangelical Assn., Los Angeles, Calif.—Granted modification of license to increase day power from 500 watts to 1 KW.

KFCB—Queen City Broadcasting Co., Seattle, Wash.—Granted license to cover C. P.; **650 kc.,** 250 watts, limited time.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted license to cover C. P.; **1200 kc.,** 100 watts, specified hours.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of C. P. to extend completion date to March 15, 1935.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of C. P. to extend commencement date to February 1, 1935, and completion date to May 1, 1935.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. increasing day power from 2½ to 5 KW; extend commencement date to 60 days from this date, and completion date to 150 days from date or not later than July 2, 1935.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

KPQ—Wescoast Broadcasting Co., Wenatachee, Wash.—Granted C. P. to move station locally and make changes in equipment, and increase day power from 100 to 250 watts.

NEW—Wm. Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted C. P. for new station; **950 kc.,** 250 watts, daytime (site to be determined).

NEW—Nichols & Warinner, Inc., Portable-Mobile.—Granted C. P. (general experimental), frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts.

NEW—Nichols & Warinner, Inc., Portable-Mobile.—Granted C. P. (general experimental), frequencies **31100, 34600, 37600, 40600 kc.,** 30 watts power.

W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. (general experimental) extending completion date from January 18 to August 15, 1935.

KNEI—Oregonian Publishing Co., Portable.—Granted modification of C. P. (temporary broadcast pickup) extending commencement date to January 1, 1935, and completion date to July 1, 1935.

ACTION ON EXAMINER'S REPORT

KFEQ—Ex. Rep. No. 1-13: Scroggin & Co. Bank, St. Joseph, Mo.—Granted renewal of license on regular basis, sustaining George H. Hill, Examiner.

MISCELLANEOUS

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Denied permission to intervene in the hearing of application of Community

Broadcasting Co. for C. P. for a new station in Toledo to operate on **1200 kc.** with 100 watts power, daytime only.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted permission to intervene at the hearing of application of Paul Q. Callister for construction permit for a new station in Salt Lake City.

Brown Radio Service Lab., Rochester, N. Y.—Denied petition to reconsider action in designating application for hearing for a new station to be located in Rochester to operate on **1210 kc.**, 100 watts power. Petitioner sought to operate daytime only pending further consideration of application for unlimited time.

NEW—Paul Q. Callister, Salt Lake City, Utah.—Granted permission to take depositions in support of his application for a new station to be located at Salt Lake City set for hearing January 30, 1935.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—The Commission today reconsidered action of November 27, 1934, in granting an extension of license on a temporary basis only to station WIP for a period ending at 3 a. m., EST, March 1, 1935, and terminated such authority and granted the application for renewal of license on a regular basis for the period ending 3 a. m., EST, on March 1, 1935.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Designated for hearing application for renewal of license.

NEW—Albert T. Roche and Harold Smithson, Chico, Calif.—C. P. to erect new station at Chico, Calif., **850 kc.**, 100 watts, daytime only, heretofore set for hearing, was dismissed, inasmuch as this application has been superseded by the application of William Schield, Lewis and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd.

NEW—Joseph M. Hallock, Baker, Ore.—C. P. for new station at Baker, Ore., **1200 kc.**, 100 watts, daytime, heretofore set for hearing, was dismissed at request of applicant.

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of special experimental authorization for 5 KW to operate 12 midnight, EST, heretofore set for hearing, was dismissed at request of applicants.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—C. P. to move transmitter, **680 kc.**, 500 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WINS—American Radio News Corp., New York City.—Granted special temporary authorization to operate from 7:15 to 7:30 p. m., EST, during month of January.

SET FOR HEARING

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construction permit to make changes in equipment and increase day power from 250 watts to 2½ KW. (No change 250 watts night, **1350 kc.**, sharing with WAWZ.)

NEW—Howell Broadcasting Co., Inc., Rochester, N. Y. (location to be determined).—Construction permit, **1210 kc.**, 100 watts night, 250 watts day, unlimited.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit move station locally to location to be determined subject to Commission approval; install new equipment; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day (licensed **950 kc.**, unlimited).

WHBC—Edward P. Graham, Canton, Ohio.—Construction permit make changes in equipment and increase daytime power from 100 watts to 250 watts (licensed for **1200 kc.**, 100 watts nighttime power, specified hours).

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit install new equipment; increase power from 250 watts to 1 KW (licensed for **880 kc.**, S-WQAN).

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction permit, **620 kc.**, 500 watts, daytime (exact transmitter site to be determined subject to Commission approval).

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction permit, **1310 kc.**, 100 watts, specified hours.

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—Construction permit, **1120 kc.**, 100 watts, daytime. To be heard by the Division en banc March 20, 1935.

NEW—William L. Waltman, Muskogee, Okla.—Construction permit, **1500 kc.**, 100 watts, unlimited time.

NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex. (exact location subject to approval of Commission).—Construction permit, **1420 kc.**, 100 watts, daytime.

NEW—Palestine Broadcasting Association, John C. Welch, Wm. M. Keller, Bonner Frazzell, Palestine, Tex.—Construction permit, **1420 kc.**, 100 watts, daytime.

NEW—E. F. Houser and Clyde Miller, Big Springs Broadcasting Co., Big Springs, Tex.—Construction permit, **1210 kc.**, 100 watts, daytime.

NEW—Eugene DeBogory, trading as Tem-Bel Broadcasting Co., Temple, Tex. (exact site to be determined).—Construction permit, **1310 kc.**, 100 watts, daytime.

NEW—E. W. Patrick, Brookfield, Mo.—Construction permit, **1310 kc.**, 100 watts, unlimited.

NEW—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill. (exact site to be determined).—Construction permit, **1500 kc.**, 100 watts, unlimited.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Construction permit to make changes in equipment, change frequency from **1200 kc.** to **1230 kc.**; increase power from 100 watts night, 250 watts day, to 500 watts; and increase hours of operation from specified to unlimited.

NEW—Dr. George W. Young, Minneapolis, Minn. (site to be determined).—Construction permit, **1370 kc.**, 100 watts, unlimited.

NEW—George B. Bairey, Valley City, N. Dak.—Construction permit, **1310 kc.**, 100 watts, unlimited.

KWTO—KGBX, Inc., Springfield, Mo.—Construction permit to make changes in equipment and increase power from 1 KW to 5 KW day (no change **560 kc.**, daytime hours of operation).

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—C. P. to make changes in equipment and increase day power from 1 KW to 5 KW.

NEW—Bamberger Broadcasting Service, Carteret, N. J.—C. P. (experimental relay broadcasting), frequencies **6020, 9510, 11850, 15170, 17800, 21480 kc.**, 5000 watts.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—C. P. to make changes in equipment and increase daytime power from 100 watts to 250 watts.

NEW—Helena Broadcasting Co., Helena, Mont.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time.

NEW—Twin Cities Broadcasters, Centralia, Wash.—C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

NEW—Fred L. Packard, A. Rosenberg, Los Angeles, Calif.—C. P. for new station, **1160 kc.**, 250 watts, daytime (transmitter site to be determined).

NEW—Radio Service, Inc., Las Vegas, Nev.—C. P. for new station, **1200 kc.**, 100 watts, unlimited time (transmitter site to be determined).

KCFJ—Ben S. McGlashan, Los Angeles, Calif.—C. P. to make changes in equipment and increase day power to 250 watts, and also to operate with 250 watts power from 12 midnight to 6 a. m.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. to change type of equipment; increase night power from 500 watts to 1 KW and day power from 2½ to 5 KW; also extend commencement date from October 29, 1934, to within 90 days after grant and extend completion date from January 29, 1935, to within 90 days thereafter.

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of license to change frequency from **1190 kc.** to **1200 kc.**, and increase operation from daytime to unlimited.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license to increase power from 500 watts to 1 KW.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of license to increase day power from 2½ to 5 KW.

WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of license to change frequency from **1410 kc.** to **1300 kc.**, decrease night power from 500 watts to 250 watts, and change hours of operation from sharing with WROK to unlimited.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license to change frequency from **1370 kc.** to **1450 kc.**, and increase nighttime power from 100 watts to 250 watts.

KALE—KALE, Inc., Portland, Ore.—Modification of license to change frequency from **1300 kc.** to **1250 kc.**, and hours of operation from specified to unlimited.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license to change frequency from **1440 kc.** to **630 kc.**

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authorization to increase nighttime power from 500 watts to 1 KW.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Special experimental authorization to increase nighttime power from 500 watts to 1 KW.

NEW—Utah Broadcasting Co., Salt Lake City, Utah.—C. P. for new station, **1500 kc.**, 100 watts, unlimited time.

NEW—National Battery Broadcasting Co., St. Paul, Minn.—Designated for hearing C. P. for new station on **680 kc.**, 500 watts night, 1 KW day, unlimited time.

APPLICATIONS RECEIVED

First Zone

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Authority to install automatic frequency control.

WINS—American Radio News Corp., New York, N. Y.—Modification of license to change name to Hearst Radio, Inc.

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Extension of special experimental authorization to use 50 KW power for next license period ending 8-1-35.

W10XG—National Broadcasting Co., Inc. (Seth Parker, Ex-Georgette).—Modification of license to use additional transmitter already constructed—RCA-ET-3656-A.#B-2200, 1 KW.

W2XHI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit to extend date of commencement to 2-27-35, and date of completion to 5-27-35.

Second Zone

WPHR—WLBG, Inc., Petersburg, Va.—Requesting consent to transfer of control of corporation.

WWJ—The Evening News Asso., Inc., Detroit, Mich.—Construction permit to install new equipment; move transmitter; increase power from 1 KW to 1 KW, 5 KW local sunset.

WSVA—Marion K. Gilliam, Staunton, Va.—Modification construction permit to extend completion date to 4-4-35.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification of license to increase power from 1 KW and 2½ KW, daytime, to 5 KW daytime.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification of construction permit (2-P-B-3150) to extend commencement date from 10-11-34 to 30 days from grant and completion date from 1-11-35 to 120 days from grant of this application.

WPHR—WLBG, Inc., Petersburg, Va.—Modification of construction permit (2-P-B-3291) as modified to extend commencement date to 1-15-35 and completion date to 2-15-35.

WORK—York Broadcasting Co., York, Pa.—Extension of special experimental authorization to change frequency from **1000 kc.** to **1320 kc.**, change from daytime to unlimited time. Use directional antenna.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Extension of special experimental authorization to use 1 KW power to 9-1-35.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Authority for consent to transfer of control of corporation from Clarion Broadcasting Co., Inc., to Fort Industry Company.

Third Zone

NEW—Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—Construction permit to erect a new experimental broadcast station to be operated on **1550 kc.**, 1 KW day and night power.

WPAX—H. Wimpy, Thomasville, Ga.—License to cover construction permit (B3-P-121) move studio and transmitter, make equipment changes and change hours of operation.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modification of special authorization as modified to operate on **550 kc.**, 5 KW from midnight to 6 a. m., period ending 4-1-35, amended requesting hours of operation from 1 a. m. to 6 a. m.

WSIX—Jack M. Draughon and Louis R. Draughon, d/b as 638 Tire and Vulcanizing, Springfield, Tenn.—Construction permit to move transmitter and studio amended to change frequency from **1210 kc.** to **1370 kc.**

A. H. Belo Corp., Portable-Mobile.—Construction permit for **34600 kc.**, 3 watts, A3, amended: 1-2-35 for **3100, 34600, 37600, 40600 kc.**

WSGN—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birmingham, Ala.—License to cover construction permit 3-P-B-3034 as modified, to increase daytime power and make equipment change.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Modification of license (B3-R-479) to increase day power from 500 watts to 1 KW.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special authorization to change frequency from **1040 kc.** to **1060 kc.**; change from S-KRLD to simul-WBAL from 6 a. m. to LS daily, silent to 8 p. m. and unlimited from 8 p. m. to midnight, period ending 8-1-35.

NEW—Benavides Independent School District, Benavides, Tex.—Construction permit to erect a new broadcast station to be operated on **1350 kc.**, 100 watts, daytime, amended to change frequency to **1310 kc.** and power to 50 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Extension special authorization to operate with power of 250 watts additional night, period ending 9-1-35.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Modification of license to change hours of operation from specified hours to unlimited amended requesting that granting this application be contingent on the granting of application from WDAG for change in frequency.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification special authorization to operate with 750 watts additional night power (1 KW), period ending 9-1-35.

NEW—Eugene DeBogory, tr. as Brownsville Broadcasting Co., Brownsville, Tex.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

Fourth Zone

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to change name to Hearst Radio, Inc.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of construction permit (B4-P-205) giving exact transmitter site as ¼ mile north County Road on Snelling Avenue, Rose Township, Minn., and the type of antenna to be installed, also extend commencement and completion dates to within 10 days of grant and 90 days thereafter.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Modification of construction permit (4-P-B-3108) as modified to extend completion date to 2-15-35.

WIBW—Topeka Broadcasting Asso., Inc., Topeka, Kans.—License to cover construction permit (B4-P-57) to increase power and install new equipment.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license to change hours of operation from S-WHBL to unlimited (contingent upon the granting of application of WHBL for change in frequency).

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of construction permit (4-P-B-3285) as modified to change equipment and extend commencement date to 10 days after grant and completion date to 150 days thereafter.

NEW—The Garden City Broadcasting Co., Garden City, Kans.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time, amended re transmitter site.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time, amended to change frequency to **1500 kc.**, and transmitter location.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Consent to transfer of control of corporation.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Construction permit to move studio and transmitter and make equipment changes, amended re equipment and increase day power from 1 KW to 5 KW.

WHFC—WHFC, Inc., Cicero, Ill.—Construction permit to install new equipment and increase day power from 100 watts to 250 watts.

Fifth Zone

NEW—J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—Construction permit to erect a new broadcast station to be operated on **820 kc.**, 100 watts, daytime, amended re equipment and increase day power from 100 watts to 250 watts.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—License to cover construction permit (5-P-B-3245) as modified to make changes in equipment and increase power.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Determine operating power by direct measurement of antenna, amended re equipment.

KJBS—Julius Brunton and Sons Co., San Francisco, Calif.—License to cover construction permit (5-P-B-2991) as modified to make changes in equipment and increase power from 100 watts to 500 watts.

NEW—William B. Smullin, Salem, Oreg.—Construction permit for **1330 kc.**, 500 watts power, unlimited, for new station at Salem, Oreg., amended: change frequency to **1440 kc.**, and also change equipment.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS
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BROADCAST ADVERTISING IN NOVEMBER

Developments of the Month

BROADCAST advertising declined slightly in November. Total gross time sales amounted to $7,232,592, a decrease of 1.9% as compared with October. A drop of 3.5% in national network volume and one of 3.0% in local broadcast advertising were responsible for the downward trend. Regional network advertising rose 11.4% as against the preceding month, while national spot volume gained 4.0%.

Comparison with Preceding Year

November time sales showed a marked improvement over the same month of 1933. Total gross time sales were 20.8% above the previous year's level. Regional networks led with an increase of 44.4%. National networks gained 26.7% in volume, national spot advertising 19.8%, and local broadcast advertising 5.2%. The degree to which the current month's revenues exceeded those of the same period of 1933 was less with respect to all portions of the broadcast advertising field than it had been in October.

Comparison with Other Media

National magazine advertising declined 3.6% as compared with October. Magazine advertising revenues, however, were 10.4% higher than in November of the preceding year. National farm paper volume rose slightly during the month, experiencing a gain of 5.9% as against the same period of 1933. Newspaper advertising experienced the usual November seasonal decline, advertising volume dropping 3.7% as compared with the previous month. November newspaper advertising was 5.0% greater than for the same month of 1933.

Other Trends of the Month

Non-network advertising revenues of regional and clear channel stations declined slightly during the month, while those of 100-watt stations rose 9.0%. Non-network revenues of stations of over 1,000 watts in power were 10.9% greater than in November, 1933. Stations in the 250-1,000-watt class experienced a 14.5% gain over the same period of last year, and 100-watt stations a gain of 5.7%. Except for a marked gain in revenues as compared with November a year ago on the part of the New England-Middle Atlantic Area, there were no significant changes in non-network broadcast advertising on the basis of geographical districts.

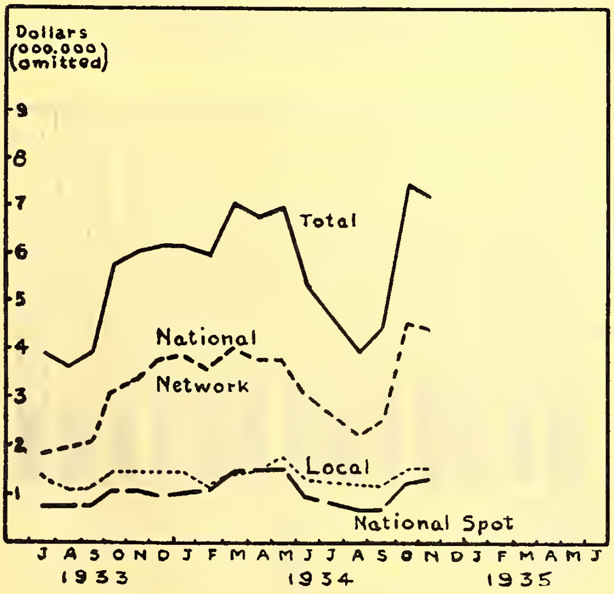
A rise of 11.0% in national spot electrical transcription volume as compared with October, and an 11.7% decline in local transcription business were the only trends of significance in the rendition field. November national spot transcription volume was 35.8% greater than in 1933, while live talent national spot increased 70.0%. Local transcription volume was 14.1% less than during the same month of last year, and local live talent business 17.3% greater. Spot announcement volume dropped 45.5% in the national field and 3.3% in the local field, records declining materially in both instances.

Broadcast Advertising Sponsors

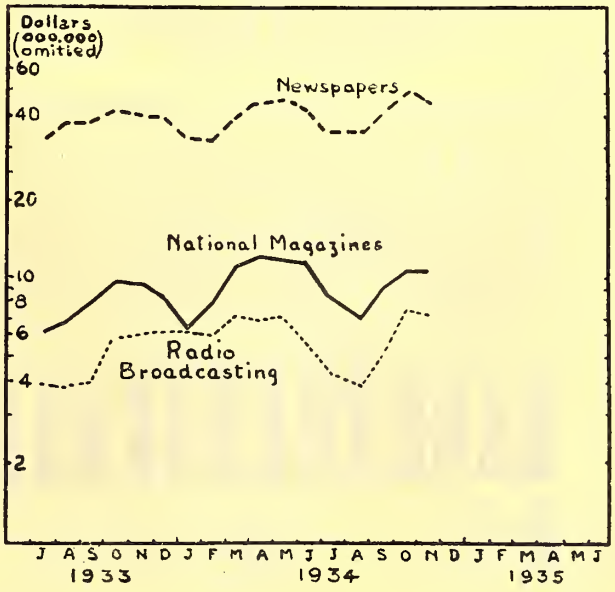
Principal increases as compared with October included the following: National networks—Soap and kitchen supplies, 25.5%; foodstuffs, 3.5%, and pharmaceuticals, 6.5%. National spot advertising—Confectionery, 22.7%; cosmetics, 27.9%; pharmaceuticals, 10.0%, and foodstuffs, 9.0%. Local broadcast advertising—Radio sets, 18.1%, and foodstuffs, 31.0%. The most important declines in the national network field occurred in the automotive and clothing groups. National spot financial advertising, national and local soap and kitchen supply advertising, and local automotive volume also declined materially.

Compared with November, 1933, national networks experienced marked gains in the automotive, pharmaceutical, cosmetic, food, confectionery, household equipment, kitchen supply, radio set, and tobacco groups. Both household equipment and soap and kitchen supply advertising

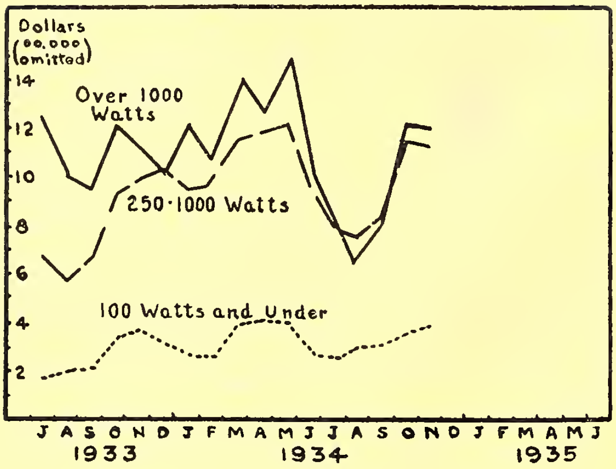
RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to June, 1935



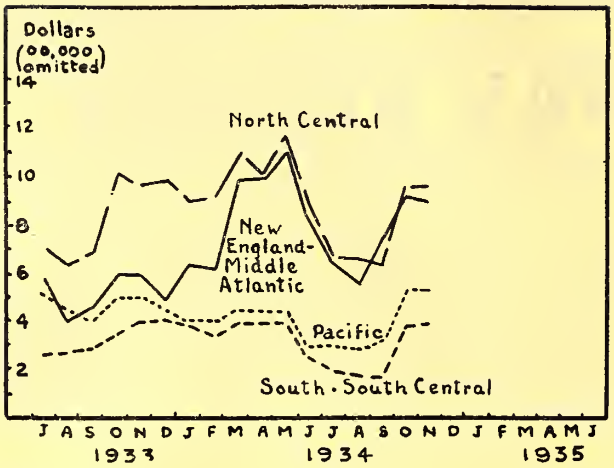
ADVERTISING VOLUME MAJOR MEDIA
July, 1933, to June, 1935



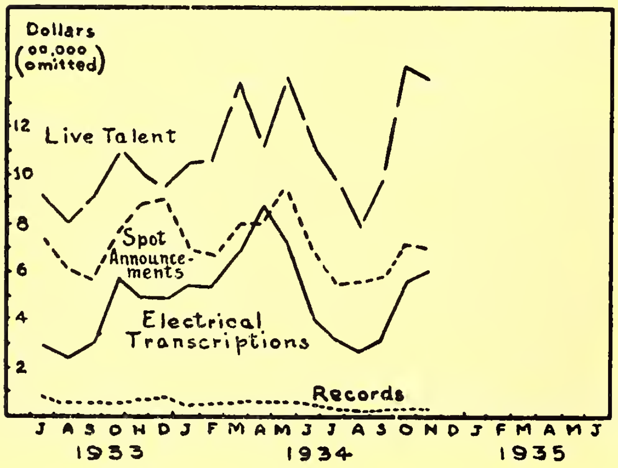
NON-NETWORK ADVERTISING BY STATION POWER
July, 1933, to June, 1935



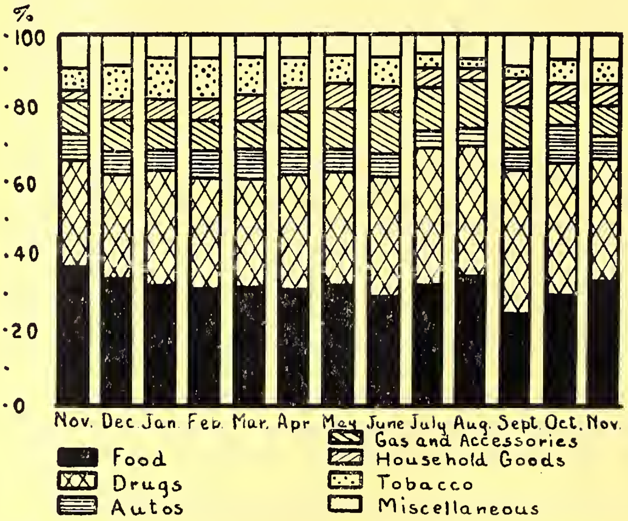
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to June, 1935



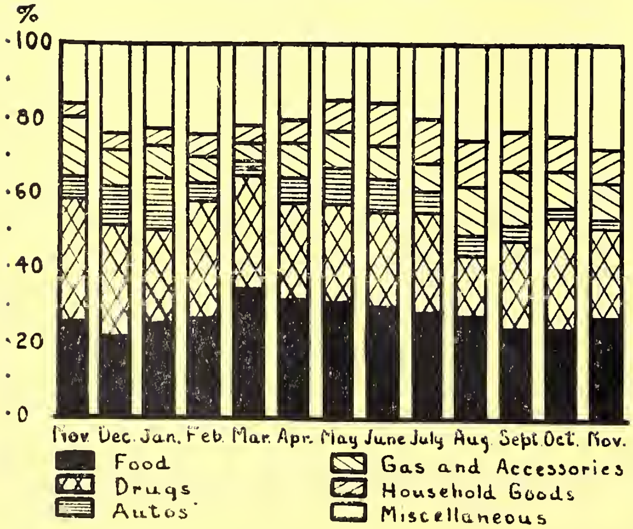
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to June, 1935



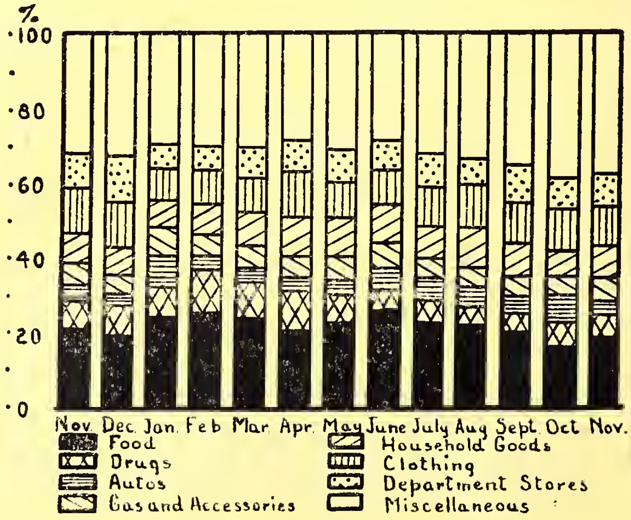
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
Nov., 1933, to Nov., 1934



NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS
Nov., 1933, to Nov., 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
Nov., 1933, to Nov., 1934



practically doubled last November. National spot advertising exceeded the same month of last year in the clothing, pharmaceutical, food, household equipment, soap, financial, radio set, department store, and tobacco fields. Department store advertising (mostly mail order branches) rose to three and one-half times last year's level for November, while tobacco advertising increased approximately nine times. Local auto accessory and gasoline, radio set, and department store advertising also rose.

More detailed information as to trends in the various sponsor groups is as follows:

1a. ***Amusements.*** Little or no change from preceding month. Volume less than half November of last year. National and local both down.

1. ***Automobiles.*** Network down 48.9% as compared with October, local down 20.0%, and national spot unchanged. Network 14.8% above November, 1933, local unchanged, and national spot down 28.2%.

2. ***Accessories, gasoline and oil.*** Slight seasonal gains during month in all forms of broadcast advertising. National spot gain greatest with 9.3%. Networks 7.0% above last November, local broadcast advertising 9.0% greater, and national spot 23.3% less.

3. ***Clothing and apparel.*** Regional volume alone gained over October. National networks down 17.0%, national spot 13.0%, and local 6.6%. National network volume 21.0% below same month last year, and local advertising 5.5% lower. National spot volume up four and one-half times, work-suits being the principal reason.

4. ***Drugs and pharmaceuticals.*** Network volume 6.5% above October, and national spot volume 10.0% greater. Local down 21.0%. National network advertising 53.6% above November of last year, national spot business 36.6% greater, and local half as great.

5. ***Cosmetics.*** National network 7.6% below preceding month, local 38.0% lower, and national spot 27.9% greater. National network volume 38.0% above same period of 1933, national spot business half as great, and local volume unchanged.

6. ***Foodstuffs.*** National network gain over month was 3.7%, national spot 9.0%, and local 31.0%. Regional volume unchanged. Network volume 20.0% greater than in November, 1933, national spot 16.6% greater, and local 15.0% less.

7. ***Beverages.*** Practically no change from preceding month. Network volume 32.0% below same period of last year, and local volume 10.0% below. National spot business 14.7% greater.

8. ***Confectionery.*** Other than 22.7% gain in national spot volume, there was little change from preceding month. Network volume 38.2% greater than November, 1933, with some gains in the general field.

9. ***Household equipment and appliances.*** Network volume unchanged as compared with October, regional network doubled, national spot 34.0% greater, and local 6.0% less, the latter a seasonal trend. Network volume more than doubled same period of last year, with national spot up 50.0% and local business unchanged.

10. ***Soap and kitchen supplies.*** National networks up 25.5%, national spot down 14.0%, and local down 50.0% as compared with previous month. National network volume one and one-half times November, 1933, national spot volume five and one-half times that level, and local advertising halved.

11. ***Financial and insurance.*** Slight decrease in network volume as against October, national spot down 10.0%, and local up 6.0%.

12. ***Radio sets.*** National spot volume double previous month, with local up 18.1% and national network volume unchanged. Network advertising 59.8% above November last year, national spot 34.4% greater, and local more than tripled.

13. ***Department and general stores.*** Local volume unchanged. National spot more than tripled due to increase in mail order department store business principally.

14. ***Tobacco.*** National network volume 4.7% lower than preceding month. National spot up 9.0% and local up 31.0%. Compared with last November national network 63.4% greater and national spot nine times greater.

15. ***Miscellaneous.*** Spot and local business down as against October, with national network volume 38.0% greater. Marked increase in miscellaneous business over all parts of broadcasting structure during past few months indicates trend toward wider interest in radio.

General Retail Advertising. General retail advertising was 3.1% above October and 25.0% greater than in November, 1933. Principal gains during the month occurred in the gasoline and accessory, grocery store, furniture and hardware store, and retail radio fields. Automobile dealer, clothing store, and electrical equipment dealer advertising declined.

Automotive retail advertising was 46.4% greater than in November, 1933, drug store advertising 25.0% above that period, grocery store advertising 50.0% greater, restaurant advertising 61.2%, and furniture store advertising 42.5% above the same period of last year. Hardware store advertising tripled.

Business Conditions

The new year opens with a considerably more optimistic picture than that presented several months ago. The *New York Times* index of business activity on December 29 stood at 83.8% of the 1923-1925 level, as compared with 78.8% at the beginning of the month and 69.9% in December, 1932.

The index of steel activity was 39.0% of the 1923-1925 average, as compared with 30.0% at the close of 1933 and 14.0% at the end of the preceding year. The electric power index continued its gain of recent months, reaching the highest point it has achieved since December, 1930. Automobile production was 47.3% of the 1923-1925 average as compared with 30.3% a year ago. Freight car loadings in recent weeks have declined less than the usual seasonal amount. Rural retail sales in November were 5.0% above the same period of 1933, while grocery chain sales were 3.0% greater. Dollar sales of the two leading mail order companies in November were 23.0% above the preceding year. Preliminary reports of Christmas retail volume has been most encouraging.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(November, 1934)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Spot*	*Local*	*Total*
1a. Amusements	—	—	$772	$30,460	$31,232
1–2. Automobiles and Accessories:					
(1) Automobiles	$263,800	—	28,133	43,217	335,150
(2) Accessories, gas and oils	342,390	$24,805	139,340	86,022	592,557
3. Clothing and apparel	34,332	1,396	33,190	154,120	223,038
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	598,425	950	364,135	57,602	1,021,112
(5) Toilet goods	854,749	1,417	60,250	23,730	940,146
6–8. Food products:					
(6) Foodstuffs	923,132	25,188	244,317	203,678	1,396,315
(7) Beverages	246,096	9,600	47,180	39,270	342,146
(8) Confections	170,141	2,000	27,265	2,900	202,306
9–10. Household goods:					
(9) Household equipment and furnishings	28,943	5,224	63,150	109,170	206,487
(10) Soap and kitchen supplies	244,932	360	53,900	3,138	302,330
11. Insurance and financial	51,407	2,675	22,846	41,320	118,248
12. Radios	91,231	—	3,855	26,100	121,186
13. Retail establishments	—	—	9,392	125,167	134,559
14. Tobacco products	301,551	2,123	16,690	6,300	326,664
15. Miscellaneous	215,324	31,881	186,210	506,061	939,476
Total	$4,366,453	$107,619	$1,300,625	$1,458,255	$7,232,952

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	*1934 Gross Time Sales* *October*	*November*	*Cumulative Jan.-Nov.*
National networks	$4,527,002	$4,366,453	$38,196,558
Regional networks	95,964	107,259	654,055
National spot business	1,251,014	1,300,625	12,310,278
Local broadcast advertising	1,503,104	1,458,255	14,550,707
Total	$7,377,084	$7,232,592	$65,711,598

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*1934 Gross Time Sales* *October*	*November*	*Cumulative Jan.-Nov.*
Radio broadcasting	$7,377,084	$7,232,592	$65,711,598
National magazines[1]	10,953,263	10,524,546	107,724,638
National farm papers	453,947	462,593	4,848,184
Newspapers[2]	45,079,568	43,366,000	440,693,718
Total	$63,863,862	$61,585,731	$618,978,138

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[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station[1]	*1934 Gross Time Sales* *October*	*November*	*Cumulative Jan.-Nov.*
Over 1,000 watts	$1,232,108	$1,224,730	$12,106,308
250-1,000 watts	1,167,540	1,145,320	11,120,001
100 watts	354,470	388,830	3,634,676
Total	$2,754,118	$2,758,880	$26,860,985

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[1] This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(November, 1934)

Type of Sponsoring Business	*Gross Time Sales* *October*	*November*
Automobiles and accessories:		
Automobile agencies and used car dealers	$54,435	$41,872
Gasoline stations, garages, etc.	60,307	88,725
Clothing and apparel shops	171,900	160,660
Drugs and toilet goods:		
Drug stores	22,208	20,992
Beauty parlors	5,840	4,845
Food products:		
Grocery stores, meat markets, etc.	40,420	48,194
Restaurants and eating places[1]	15,605	16,123
Beverage retailers	915	830
Confectionery stores, etc.	2,150	1,344
Household goods:		
Household equipment retailers[2]	32,180	23,754
Furniture stores	53,095	57,196
Hardware stores	10,820	18,260
Radio retailers	21,750	26,712
Department and general stores	132,046	134,559
Tobacco shops	365	937
Miscellaneous	58,190	62,945
Total	$682,226	$707,948

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[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	*1934 Gross Time Sales* *October*	*November*	*Cumulative Jan.-Nov.*
New England-Middle Atlantic Area	$916,418	$899,051	$9,048,346
South Atlantic-South Central Area	381,490	398,251	3,522,560
North Central Area	939,210	946,430	9,911,212
Pacific and Mountain Area	517,000	515,148	4,378,867
Total	$2,754,118	$2,758,880	$26,860,985

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

1934 Gross Time Sales

	National Spot		*Local*		*Total*		*Cumulative*
Type of Rendition	*October*	*November*	*October*	*November*	*October*	*November*	*Jan.-Nov.*
Electrical transcriptions	$456,218	$507,598	$117,000	$103,592	$573,218	$661,190	$5,859,100
Live talent programs	564,776	570,110	861,050	833.540	1,425,826	1,403,650	12,808,913
Records	3,800	2,880	28,850	30,310	32,650	33,190	423,137
Spot announcements	226,220	220,037	496,204	490,813	722,424	710,850	7,769,835
Total	$1,251,014	$1,300,625	$1,503,104	$1,458,255	$2,754,118	$2,758,880	$26,860,985

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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LEGISLATORS GETTING BUSY

Legislative activity, both Federal and State, is now under way, and already a number of bills have been introduced in connection with broadcasting.

At the head of the Federal list stand the two bills revising the Food and Drug Act, S. 5 and S. 580. S. 5, the Copeland bill, is a redraft of the Copeland bill of last year, and is reproduced below. The McCarran bill (S. 580) attempts much the same thing as the Copeland bill.

H. R. 197, introduced by Congressman Buckbee of Illinois, makes it a misdemeanor to broadcast any advertisement which is untrue, deceptive or misleading. This bill would extend to every form of radio advertising the same general regulations which are now under debate in connection with foods, drugs and cosmetics.

S. 541, introduced by Senator Capper of Kansas, would prohibit all interstate advertising of intoxicating liquors. This would prohibit all use of radio for such advertising.

S. 820, introduced by Senator Neely of West Virginia, provides that in hearings before the Communications Commission on applications which are subsequently denied, the applicants may be required to pay the reasonable costs incurred by the respondents.

H. R. 55, introduced by Congressman Rudd of New York, is identical with the bill in the last session calling for a complete reallocation of all broadcast facilities, and setting aside 25 per cent of all such facilities for the use of non-profit organizations, which would then be permitted to sell time.

H. R. 3252, introduced by Congressman Sauthoff of Wisconsin, prohibits the radio advertising of loan organizations which charge an interest rate of more than 15 per cent annually.

H. Res. 52, introduced by Congressman Dies of Texas, calls for a general investigation of the control of news by the Administration.

State Legislation

State bills which have already been reported to the Association show considerable variety. The most significant one so far is Massachusetts House bill 696, introduced by Representative Bowker, requiring a complete written record of all speeches and statements made over the radio. Each station is required to keep a complete file of such records for one year from the date when the statements are made. This would include a complete transcript of such things as the report of a football game. The bill goes on to declare that any defamatory statement made over the radio is libel.

Another Massachusetts bill, H. 166, introduced by Representative Mary E. Meehan, prohibits the employment of minors under 14 in broadcasting stations.

In Montana a bill to define and regulate the practice of dentistry declares that it is unprofessional conduct and consequently illegal for any dentist to advertise over the radio, but specifically permits such advertising in the press.

There is the usual crop of bills regarding state police radio, but these bills do not directly affect broadcasting.

The National Association of Broadcasters has now established a fairly thorough system of covering current state legislation, but the number of bills introduced in the several state legislatures is enormous, and any broadcaster having information regarding any state legislation affecting broadcasting should report it at once.

FEDERAL COMMUNICATIONS COMMISSION ADOPTS FOUR NEW RULES

The Commission, at a general session, on January 11 adopted the following rules:

"247A. The term 'airway radio obstruction marker station' means a station of low power installed in the vicinity of an obstruction to air navigation and operated for the purpose of giving warning of the presence of that obstruction.

254A. Airway radio obstruction marker stations will not be licensed to use a power greater than 50 watts. The exact power to be authorized is to be determined by the relation between the location of the marker station and the nearest radio range station operated by the Bureau of Air Commerce.

260A. Airway radio obstruction marker stations will be licensed for a carrier frequency of 1200 cycles above or below the assigned frequency of the nearest airway radio range station serving the airway on which the obstruction is located. The marker transmitter carrier shall be one hundred (100) per cent modulated at an audio frequency of 120 cycles per second and automatically keyed by continuously successive groups of 5 dashes each. Operation shall be continuous throughout the 24 hours and the assigned carrier frequency will be maintained within .05 per cent.

260B. The Commission may from time to time, in cooperation with the Bureau of Air Commerce, specify radio stations which may be required to install airway radio obstruction marker stations and will specify the conditions under which such installations will be made."

HOUSE PASSES APPROPRIATION BILL

The House of Representatives has passed the appropriation bill containing the appropriation for the Federal Communications Commission, allowing it $1,500,000 for the next fiscal year, beginning July 1st.

There was practically no debate on the appropriation except for an amendment offered by Representative Taber of New York who made an effort to have it cut by 20 per cent on the ground that all appropriations are too high. His amendment was defeated by a vote of 62 to 29. The bill now goes to the Senate for action.

CODE AMENDMENTS WITHDRAWN

Withdrawal of three proposed amendments to the radio broadcasting code was announced Tuesday in a letter to Deputy Administrator W. P. Farnsworth, from James W. Baldwin, Washington, D. C., executive officer of the Code Authority.

The proposed amendments would have prohibited special discounts on radio broadcasting facilities sold in combination with other advertising media; discarded the discount rates for "run of schedule time" announcements, and provided a mandatory assessment clause in the code budget.

BALDWIN TESTIFIES AT NIRB PRICE PROVISION HEARING

James W. Baldwin, executive officer of the Broadcasting Industry Code Authority, made a statement at the public hearing before the National Industrial Recovery Board, January 12, testifying as follows:

"I am here to discuss the rate provision contained in the Code of Fair Competition for the Radio Broadcasting Industry. Stripped of all the words and phrases descriptive of the practices at which it is directed, that provision means that each broadcaster is permitted to fix any rate, to allow any discount, and to pay any commission he chooses. Moreover, having exercised his own discretion in these matters, if he should decide to change any part or all of his rate structure, he may do so. The only requirements are that after fixing his rates, discounts, commissions, etc., he must publish them, file them with the Code Authority, and adhere to them; and he must not make effective any changes until fifteen days after such changes have been filed with the Code Authority. (It is our practice to accept the postmark at the place of origin as the date of filing.)

"Experience of more than one year has proved to us that the provision for open price filing with the fifteen-day waiting period is by far the most important provision in our Code. This is so because of several reasons:

1. It has destroyed the old practice of secret prices, secret commissions, secret rebates and the like.
2. It has served as a protection to at least certain members of the industry against the so-called "hard" or "powerful" buyer; it has stiffened their backs and helped them to say "no" to the genuine chiseler.
3. It has afforded all buyers equal opportunities.
4. It has displaced hasty and ill-considered decisions with that sound judgment that can be exercised only when there is sufficient time for a careful analysis of all the facts.
5. It has stabilized prices.
6. It has through increased stability made it possible for us to meet the increased costs of operation resulting from the Wages and Hours provisions of the Code. We have shown in our Report to you dated in February, 1934, for example, that the employment of broadcast technicians had increased 11.9%; that the weekly hours of labor for broadcast technicians had been reduced 9.8%; and that the weekly payrolls for broadcast technicians had increased 21.1%. New and additional labor costs have been assumed at numerous stations since that report was submitted. Although the total number of stations has decreased, we have in our employ today a greater number of employees than ever before in the history of the industry.

"Notwithstanding the increased stability that has resulted from this provision for open price filing with a waiting period we have, and do now, experience the keenest kind of price competition. This has resulted, we believe, from the increased availability of price information. All broadcasters furnish copies of their current rates to Standard Rate and Data, who publish such rates in a monthly number known as 'Radio Advertising.' In addition, each broadcaster furnishes the Code Authority with three copies of each rate card and these are always open to public inspection. The lack of rigidity in price is evidenced by the number of changes received. During the first nine days of this year we received changes from thirty-six stations—or about 7% of all commercial stations. And, there is nothing unusual in the number received in this particular period.

"We have heard much about monopolies. I believe that the greatest danger of monopoly in the radio broadcasting industry lies in the possible promulgation of governmental regulations which set standards, the level of which greatly restricts either the number or the class of persons who can qualify as the licensee of a station. This result may be obtained by a regulation which either directs that certain things be done or by its nature permits certain things to be done. And, I believe that the removal of the provision in our Code for open price filing with a waiting period and the retention of the present wages and hours provisions would amount to such a regulation because you would thereby aid the financially strong to the injury of those who must meet expenses out of current income.

"I have said that the provision for open filing with waiting period has made it possible for us to meet the increased labor costs arising out of the Code. I should explain also that such provision has not been injurious to the consumer. We investigated this matter last August. The only pre-code data available was that contained in a report of the Federal Radio Commission for November, 1931. By comparison we found that the cost of a quarter hour period (evening and one-time use) was 8.2% less in August, 1934, than in November, 1931. This reduction becomes even more significant when it is realized that the potential radio audience increased from approximately 50,000,000 (12,048,762 families) in 1931 to about 74,000,000 (17,948,162 families) in 1934.

"Mr. Chairman, such has been our experience with open price filing with waiting period. Remove it and you will have taken the heart out of our Code. Remove it and you will have taken from the Radio Broadcasting Industry all there is in it to promote stability of price and to promote the general welfare of its employees. Remove it and you will, in effect, take from us that which earlier was promised us in return for existing labor provisions. Consequently, if this provision is removed we must and do ask that the labor provisions be removed at the same time. It is our hope that you shall not disturb it."

"THE WRECK OF THE OLD 97"

A number of broadcasting stations have received communications from Robert L. Nase, attorney for David Graves George, relative to alleged infringement in the use of the song "The Wreck of the Old 97."

The demand apparently arose because of inaccurate press reports concerning the effect of the decision of the United States Supreme Court, involving a technical point in this case. The facts are as follows:

George claimed authorship of the song, "The Wreck of the Old 97." He brought suit against RCA Victor, and Judge Avis, in the District Court, filed an opinion upholding his claim of authorship. A Master was appointed to assess damages.

An appeal was taken to the Circuit Court of Appeals, which court reversed the findings of Judge Avis as to the authorship of the song. A certiorari was then requested of the United States Supreme Court, which court limited the argument to the technical point as to whether or not the Circuit Court of Appeals had jurisdiction to hear the case before the damages had been assessed. The United States Supreme Court ordered the Circuit Court of Appeals to dismiss the appeal taken to it which brings the case back to the Master for the assessment of damages.

Following this assessment, an appeal will then be taken to the Circuit Court of Appeals which court has already determined that George is not the author of the song.

In view of these facts, the claims for infringement are obviously not well founded.

SENATE CONFIRMS PRALL

The Senate on Tuesday confirmed former Representative Anning S. Prall, of New York, as member of the Federal Communications Commission for the unexpired term of one year from July 1, 1934. This is the membership recently resigned by Hampson Gary.

It is reported that several members of the Senate Interstate Commerce Committee are not at all pleased with the fact that in naming the members of the Commission the President did not choose anyone from the West. It is probable that the nominations of the other members of the Commission may be held up for some time.

The President sent the following names to the Senate for confirmation:

George Henry Payne, of New York, for the term of 2 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Irvin Stewart, of Texas, for the term of 3 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Norman Case, of Rhode Island, for the term of 4 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Paul Walker, of Oklahoma, for the term of 5 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Thad H. Brown, of Ohio, for the term of 6 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Eugene O. Sykes, of Mississippi, for the term of 7 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Anning S. Prall, of New York, to be a member of the Federal Communications Commission for the unexpired term of 1 year from July 1, 1934, vice Hampson Gary.

ANOTHER RADIO BILL

A bill (S. 820) has been introduced in the Senate by Senator Neely, of West Virginia, "relating to costs in radio proceedings before the Federal Communications Commission" and referred to the Senate Committee on Interstate Commerce. The text follows:

"That section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) In any proceeding before the Commission upon an application which involves a contest with the owner or owners of any existing radio station for the use of all, or any of the facilities of such station, if the Commission dismisses the application, or in any other manner denies the relief sought by the applicant, it shall, in its order of dismissal or denial, direct the applicant to pay to the owner or owners of the station all reasonable counsel fees and other costs which such owner or owners may have expended or incurred in resisting such application. Any such order for the payment of counsel fees or other costs may be enforced in the same manner as an order for the payment of money under section 407."

74th Congress
1st Session

S. 5

IN THE SENATE OF THE UNITED STATES

January 3 (calendar day, January 4), 1935

Mr. Copeland introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHAPTER I

SECTION 1. That this Act may be cited as the "Federal Food, Drugs, and Cosmetic Act."

CHAPTER II

DEFINITION OF TERMS

SEC. 201. As used in this Act, unless the context otherwise indicates—

(a) The term "food" includes all substances and preparations used for, or entering into the composition of, food, drink, confectionery, or condiment for man or other animals.

(b) The term "drug," for the purposes of this Act and not for the regulation of the legalized practice of the healing art, includes (1) all substances and preparations recognized in the United States Pharmacopœia, Homœpathic Pharmacopœia of the United States, or National Formulary or supplements thereto; and (2) all substances, preparations, and devices intended for use in the cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) all substances, preparations, and devices, other than food, intended to affect the structure or any function of the body.

(c) The term "cosmetic" includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person.

(d) The term "Territory" mean any Territory or possession of the United States, included the District of Columbia.

(e) The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within the District of Columbia or within any other territory not organized with a legislative body.

(f) The term "person" includes individual, partnership, corporation, and association.

(g) The term "Secretary" means the Secretary of Agriculture.

(h) The term "label" means the principal display or displays of written, printed, or graphic matter (1) upon any food, drug, or cosmetic, or the immediate container thereof, and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, or cosmetic.

(i) The term "labeling" includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, or cosmetic.

(j) The term "advertisement" includes all representations of fact or opinion disseminated in any manner or by any means other than by the labeling.

(k) The term "medical profession" means the legalized professions of the healing art; and the term "medical opinion" means the opinion within their respective fields, of the practitioners of any branch of the healing art, the practice of which is licensed by law in the jurisdiction where such opinion is placed in issue in any proceeding under this Act.

(l) The term "official compendium" means the United States Pharmacopœia, Homœopathic Pharmacopœia of the United States, National Formulary, or any supplement thereto, official at the time any drug to which the provisions thereof relate is introduced into interstate commerce.

CHAPTER III

ADULTERATED FOOD

SECTION 301. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it dangerous to health; or (2) if it bears or contains any added poisonous or added deleterious substance prohibited, or in excess of the limits of tolerance prescribed, by regulations as provided by sections 304, 701 and 703; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; or (5) if it is the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed of any poisonous or deleterious substance which may by contamination render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or create a deceptive appearance.

(c) If it is confectionery or ice cream and bears or contains any alcohol, resinous glaze, or nonnutritive substance except coloring, flavoring, natural gum, and pectin: *Provided,* That this paragraph shall not apply to any confectionery or ice cream by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing nonnutritive masticatory substances.

(d) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by sections 304, 701, and 703.

MISBRANDED FOOD

SEC. 302. A food shall be deemed to be misbranded—

(a) If it is offered for sale under the name of another food.

(b) If it is an imitation of another food, and its label fails to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(c) (1) If its container is so made, formed, or filled as to mislead the purchaser, or (2) if its contents fall below the standard of fill prescribed by regulations as provided by sections 303, 701, and 703.

(d) If its labeling is false or misleading in any particular.

(e) If in package form it fails to bear a label containing: (1) The name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(f) If any word, statement, or other information required on the label to avoid adulteration or misbranding under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by sections 303, 701, and 703, and (1) it fails to conform to such definition and standard, or (2) its label fails to bear the name of the food prescribed in the definition and standard, and if so required by such regulations when such definition and standard permits optional ingredients other than spices, flavors, and coloring, the common names of such optional ingredients as are present in such food.

(h) If it purports to be or is represented as a food for which a standard of quality has been prescribed by regulations as provided by sections 303, 701, and 703, and (1) its label fails to bear a statement of its quality in such terms as the regulations specify, or (2) its quality falls below such standard.

(i) If it is not subject to the provisions of paragraph (g) of this section and its label fails to bear (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients the common or usual name of each such ingredient in order of predominance by weight; except that spices, flavors, and colorings, other than those sold as such, may be designated as spices, flavors, and colorings without naming each: *Provided,* That to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable because of normal variations in ingredients, or their quantities, usual to good manufacturing or packing practice, exemptions as to packages of assorted food shall be established, and reasonable variations from the stated order of such ingredients shall be permitted, by regulations promulgated by the Secretary: *And provided further,* That exemption to compliance with the requirements of subdivision (2) of this paragraph is given to such foods where the common or usual name of each ingredient has been filed with the Secretary in accordance with regulations promulgated by him.

(j) If it purports to be or is represented for special dietary uses, such as by infants or invalids or for other special nutritional requirements, and its label fails to bear, if so required by regulations as provided by sections 701 and 703, statements concerning its vitamin, mineral, and other dietary properties which fully inform the purchaser as to its nutritional value.

(k) The Secretary is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act small open containers of fresh natural food and also food which is, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is in conformity with the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

DEFINITIONS AND STANDARDS FOR FOOD

SEC. 303. For the effectuation of the purposes of this Act the Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, fixing and establishing for any food a definition and standard of identity, and a reasonable standard of quality and fill of container: *Provided,* That no standards of quality shall be established for fresh natural foods.

TOLERANCES FOR POISONOUS INGREDIENTS IN FOOD AND CERTIFICATION OF COAL-TAR COLORS FOR FOOD

SEC. 304. (a) If an added poisonous or added deleterious substance in or on food is or may be injurious to health, the Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, prohibiting such added substance in or on any food, or establishing tolerances limiting the amount therein or thereon, for the protection of public health, taking into account the extent to which the use of such substances is required in the production of such food and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(b) The Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, for the certification of coal-tar colors which are harmless and suitable for use in food.

PERMIT FACTORIES

SEC. 305. (a) Whenever the Secretary finds that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof, be injurious to health, and such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he is then, and in such case only, authorized to promulgate regulations, as provided by sections 701 and 703, governing the conditions of manufacture, processing, or packing for such temporary periods of time as may be necessary to protect the public health, and requiring manufacturers, processors, and packers of such class of articles to hold permits conditioned on compliance with such regulations.

(b) The Secretary is authorized to issue such permits for such periods of time as he may by regulations prescribe and to make regulations governing the issuance and renewal thereof. The Secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The Secretary shall reinstate the permit whenever, after hearing and an inspection of the establishment, it is found that adequate measures have been taken to comply with and maintain the conditions of the original permit.

(c) Any officer or employee duly designated by the Secretary shall have access to any factory or establishment, the operator of which holds a permit from the Secretary, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

CHAPTER IV

ADULTERATED DRUGS

Section 401. A drug shall be deemed to be adulterated—

(a) If it is dangerous to health under the conditions of use prescribed in the labeling or advertising thereof.

(b) If its name is the same as or simulates a name recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, and it (1) fails to meet the definition and description set forth therein, or (2) differs from the standard of strength, quality, or purity as determined by the tests or methods of assay set forth therein; except that whenever tests or methods of assay have not been prescribed therein, or such tests or methods of assay as are prescribed are insufficient, for determining whether or not such drug complies with such standard, the Secretary is hereby authorized to bring such fact to the attention of the appropriate body charged with the revision of such compendium and if such body fails within a reasonable time to prescribe tests or methods of assay which are sufficient, then the Secretary may prescribe for the purposes of this Act such tests or methods of assay by regulations as provided by sections 701 and 703. No drug shall be deemed to be adulterated under this paragraph because it differs from the standards of strength, quality, or purity therefor set forth in an official compendium, if its label bears in juxtaposition with the name of the drug a statement indicating wherein its strength, quality, and purity, as determined by the tests or methods of assay applicable under this paragraph, differ from the standards therefor set forth in such compendium. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States and not to those of the United States Pharmacopœia.

(c) If it is not subject to the provisions of paragraph (b) of this section and its identity or strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) If any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

MISBRANDED DRUGS

Sec. 402. A drug shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any paritcular. Any representation concerning any effect of a drug shall be deemed to be false under this paragraph if in every particular such representation is not sustained by demonstrable scientific facts or substantial medical opinion.

(b) If in package form it fails to bear a label containing: (1) The name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations, prescribed by the Secretary.

(c) If any word, statement, or other information required on the label to avoid adulteration or misbranding under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(d) If it is for internal use by man and contains any quantity of any of the following narcotic or hypnotic substances: Alpha eucaine, barbital, beta eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any narcotic or hypnotic substance chemically derived therefrom, or any other narcotic or hypnotic substance which has been designated as habit forming by regulations as provided by sections 701 and 703, and its label fails to bear the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(e) If it is not designated solely by a name recognized in an official compendium and its label fails to bear (1) a common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients the names and quantity or proportion of each active ingredient: *Provided,* That exemption to compliance with subdivision (2) of this paragraph is given in such cases where the name, quantity, and proportion of each active ingredient is filed with the Secretary in accordance with regulations promulgated by him.

(f) If its labeling fails to bear plainly and conspicuously (1) complete and explicit directions for use, and (2) such warnings in such manner and form as may be prescribed by regulations, as provided by sections 701 and 703, against use in such pathological conditions or by children where its use is contraindicated and may be dangerous to health, or against unsafe dosage or methods or duration of administration or application: *Provided,* That where any requirement of subdivision (1) of this paragraph, as applied to any drug, is not necessary for the protection of the public health, the Secretary shall promulgate regulations, as provided by sections 701 and 703, exempting such drug from such requirement.

(g) If its name is the same as, or simulates, a name recognized in an official compendium and it is not packaged and labeled as prescribed therein. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States, and not to those of the United States Pharmacopœia.

(h) If it has been designated by regulations, as provided by sections 701 and 703, as a drug liable to deterioration, and is not packaged in such form or manner, or its label fails to bear a statement of such precautions, as such regulations require for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the Secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(i) (1) If its container is so made, formed, or filled as to mislead the purchaser; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(j) If it purports to be or is represented as a germicide, bactericide, disinfectant, or antiseptic for any use on or within the body and its labeling fails to bear a plain and conspicuous statement of such use, including the strength or dilution, manner, and duration of application, and when tested by a standard method, it does not have the germicidal effect within the duration so prescribed of a one to eighty dilution of phenol used by a standard testing method for ten minutes at thirty-seven degrees centigrade. All testing methods for the purposes of this paragraph shall be prescribed by regulations as provided by sections 701 and 703: *Provided,* That no drug shall be deemed to be misbranded under this paragraph by reason of failure of its labeling to bear a statement of any advertised use if such advertising is disseminated only to members of the medical and pharmaceutical professions, or appears only in scientific publications of these professions.

(k) If it purports to be or is represented as an inhibitory antiseptic for any use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body, and its labeling fails to bear a plain and conspicuous statement of such use, including strength or dilution and manner of application, and when tested by a standard method, it fails to prevent the growth of microorganisms within the entire time of such duration. All testing methods for the purposes of this paragraph shall be prescribed by regulations as provided by sections 701 and 703: *Provided,* That no drug shall be deemed to be misbranded under this paragraph by reason of failure of its labeling to bear a statement of any advertised use if such advertising is disseminated only to members of the medical and pharmaceutical profession, or appears only in scientific publications of these professions.

(l) The Secretary is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act drugs which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originaly processed or packed, on condition that such drugs are in conformity with the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

CHAPTER V

ADULTERATED COSMETICS

Section 501. A cosmetic shall be deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to the user under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

(b) If it bears or contains any poisonous or deleterious substance prohibited, or in excess of the limits of tolerance prescribed, by regulations as provided by sections 503, 701, and 703.

MISBRANDED COSMETICS

Sec. 502. A cosmetic shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form it fails to bear a label containing: (1) The name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required on the label to avoid adulteration or misbranding under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(d) The Secretary is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act cosmetics which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such cosmetics are in conformity with the provisions of this Act upon removal from such processing, labeling, or packing establishment.

TOLERANCES FOR POISONOUS INGREDIENTS IN COSMETICS

Sec. 503. (a) If a poisonous or deleterious substance in cosmetics is or may be injurious to health, the Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, prohibiting such substance in or on any cosmetic, or establishing tolerances limiting the amount therein or thereon, for the protection of public health, taking into account the extent to which the use of such substance is required in the production of such cosmetic and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

CHAPTER VI

FALSE ADVERTISEMENT

Section 601. (a) An advertisement of a food, drug, or cosmetic shall be deemed to be false if it is false or misleading in any particular relevant to the purposes of this Act regarding such food, drug, or cosmetic. Any representation concerning any effect of a drug shall be deemed to be false under this paragraph if in every particular such representation is not sustained by demonstrable scientific facts or substantial medical opinion.

(b) It shall be unlawful to advertise for sale in interstate commerce a drug represented to have any therapeutic effect in the treatment of cancer, tuberculosis, venereal diseases, heart and vascular diseases, as well as any other disease which may be added to this list by regulations as provided by sections 701 and 703; except that no advertisement not in violation of paragraph (a) of this section shall be deemed to be false under this paragraph if it is disseminated only to members of the medical and pharmaceutical professions or appears only in the scientific periodicals of these professions, or if it is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs.

CHAPTER VII

General Administrative Provisions

POWER TO MAKE REGULATIONS

Section 701. (a) The authority to make regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(b) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe regulations for the efficient enforcement of the provisions of section 714. Such regulations shall be promulgated in such manner and take effect at such time as the Secretary of Agriculture shall determine.

(c) Hearings authorized or required by this Act shall be conducted by the Secretary or such officer or employee as he may designate for the purpose.

COURT REVIEW OF REGULATIONS

Sec. 702. The district courts of the United States are hereby vested with jurisdiction, on complaint of any interested person, to restrain by injunction, temporary or permanent, the enforcement by any officer, representative, or employee of the Department of Agriculture or any regulation promulgated as provided in sections 701 and 703 if it is shown that the regulation is unreasonable, arbitrary, or capricious, or not in accordance with law, and that the petitioner will suffer substantial damage by reason of its enforcement: *Provided,* That nothing in this section shall be deemed to abridge the right of any person against whom a criminal prosecution or suit for injunction shall have been brought under this Act, or who shall intervene as claimant in any proceeding of libel for condemnation to plead that the regulation whose violation is alleged as the ground for such prosecution, suit, or libel is invalid on any of the grounds set forth above.

PUBLIC HEALTH AND FOOD STANDARDS COMMITTEES

Sec. 703. (a) To aid and advise the Secretary in promulgating regulations for the protection of public health, as contemplated by section 301, paragraphs (a) and (d); section 401, paragraph (h); section 501, paragraph (h); section 302, paragraph (j); section 402, paragraphs (d)), (f), (h), (j), and (k); sections 304, 305, 503, and section 601, paragraph (b), a Committee on Public Health is hereby provided which shall consist of five members designated by the President with a view to their distinguished scientific attainment and interest in public health and without regard to their political affiliation.

(b) To aid and advise the Secretary in the promulgation of regulations with respect to food, as contemplated by section 302, paragraphs (c), (g), and (h); and section 303, a Committee on Food Standards is hereby provided which shall consist of seven members, three of whom shall be selected from the public, two from the food producing, processing, manufacturing, and distributing industry, and two from the Food and Drug Administration. The members selected from the public and the food industry shall be appointed by the President without regard to political affiliation, and the members from the Food and Drug Administration shall be designated by the Secretary.

(c) Whenever the Secretary deems that any regulation contemplated by the provisions of this Act enumerated in paragraphs (a) and (b) of this section should be established, he shall so advise the appropriate committee. With the approval of a majority of its members, the committee shall recommend to the Secretary a proposed regulation, and the Secretary shall give notice of the proposal and of the time and place of a public hearing to be held thereon not less than thirty days after the date of such notice. After such hearing the Secretary is authorized to make findings of fact and to formulate and promulgate such regulation, but no such regulation shall be promulgated without the approval of a majority of the members of the committee. The regulation so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after its promulgation, and may be amended or repealed in the same manner as is provided for its adoption: *Provided,* That regulations setting up exemptions pursuant to section 402, paragraph (f), may be promulgated without notice or hearing and shall become effective at such time as the Secretary determines.

(d) If any regulation promulgated by the Secretary under section 301, paragraphs (a) and (d); section 501, paragraph (h); section 402, paragraphs (j) and (k); and sections 304 and 503, is declared invalid in any court proceeding, the Secretary may promulgate in substitution therefor a temporary regulation consistent with such decision. Such temporary regulation may be promulgated without notice or hearing and shall become effective at and for such time as the Secretary designates, but in no event longer than 180 days from the effective date thereof. On or before the promulgation of such temporary regulation the Secretary shall institute proceedings, as provided in paragraph (c) of this section, for the establishment of a new regulation.

(e) The term of office of members of the committees provided by paragraphs (a) and (b) of this section, other than members from the Food and Drug Administration, shall be five years; except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of that term, and of the appointments first made to each committee after approval of this Act, one shall be for one year, one for two years, one for three years, and one for four years, as shall be designated by the President in their respective appointments. The President shall designate the chairmen of the committees. No person who is a member of the Department of Agriculture or who has a financial interest in the manufacture, advertising, or sale of any food, drug, or cosmetic shall be eligible to serve on the Committee on Public Health, or as a member from the public on the Committee on Food Standards.

(f) Each committee shall convene at the call of its chairman at such time and place as he may designate, but action by either committee under this section may be taken by the members thereof acting individually without convening in meeting. In each case in which approval by either committee of a regulation is required under this section, the Secretary shall transmit to each member of such committee a transcript of the record of the public hearing held by him. Members of the committees shall be given due notice of, and may sit with the Secretary or his representatives at, all such public hearings relating to the functions of their respective committees. Each committee on its own motion or at the request of the Secretary may advise him of its views on any question concerning the enforcement of this Act.

ADVISORY COMMITTEES FROM INDUSTRIES

Sec. 704. For the purposes of consultation in formulating general administrative policies for the enforcement of this Act, the Secretary is authorized to appoint an advisory committee from each of the following groups: The food industry, the drug industry, the cosmetic industry, disseminators of advertising, the public. To aid in securing compliance with the requirements of this Act, the Secretary is further authorized to accept plans for such self-regulation of advertising practices as tend to effectuate the purposes of this Act, when presented by associations or groups representative of their industries: *Provided,* That nothing in this paragraph shall be construed as restricting the responsibilities and powers conferred upon the Secretary by this Act, and no plans shall be accepted which are designed to promote monopolies or eliminate or oppress legitimate enterprise.

EXAMINATIONS AND INVESTIGATIONS

Sec. 705. The Secretary is authorized to conduct examinations and investigations for the purposes of this Act through officers and employees of the Department of Agriculture or through any health, food, or drug officer or employee of any State, Territory, or political subdivision thereof, duly commissioned by the Secretary.

RECORDS OF INTERSTATE SHIPMENT

Sec. 706. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving food, drugs, or cosmetics in interstate commerce, shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, drug, or cosmetic, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a definite statement in writing specifying the nature or kind of food, drug, or cosmetic to which such request relates: *Provided,* That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further,* That carriers shall not be subject to the provisions of this Act by reason of their receipt, carriage, or delivery of food, drugs, cosmetics or advertising matter in the usual course of business as carriers.

FACTORY INSPECTION

Sec. 707. (a) In order adequately to regulate interstate commerce in food, drugs, and cosmetics, and enforce the provisions of this Act, officers or employees duly designated by the Secretary, after first making reasonable request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter any factory, warehouse, or establishment in which food, drugs, or cosmetics are manufactured, processed, packed, or held for shipment in interstate commerce or are held after such shipment, or to enter any vehicle being used to transport such food, drugs, or cosmetics, in interstate commerce; and (2) to inspect such factory, warehouse, establishment, or vehicle and all equipment, finished and unfinished materials, containers, and labels there used or stored.

(b) The several district courts of the United States are hereby vested with jurisdiction to restrain by injunction, temporary or permanent, the shipment in interstate commerce or delivery after receipt in interstate commerce of any food, drug, or cosmetic from or by any factory, warehouse, establishment, or vehicle, designated in paragraph (a) of this section if the owner, operator, or custodian thereof has, after reasonable request, denied permission to officers or employees duly designated by the Secretary so to enter and inspect such factory, warehouse, establishment, or vehicle and equipment, finished and unfinished materials, containers, and labels there used or stored. Whenever such permission is granted, the injunction issued pursuant to this paragraph shall be dissolved, or may be continued in force subject to such conditions governing the inspection as the court may order. Violation of any injunction issued pursuant to this paragraph may be summarily tried and punished by the court as a contempt. Such contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney.

PROHIBITED ACTS AND PENALTIES

Sec. 708. (a) The following Acts are hereby prohibited:

(1) The introduction into interstate commerce of any food, drug, or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of any food, drug, or cosmetic in interstate commerce.

(3) The receipt in interstate commerce of any food, drug, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof in the original unbroken package for pay or otherwise.

(4) The dissemination of any false advertisement by radio broadcast, United States mails, or in interstate commerce for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics.

(5) The dissemination of a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics in interstate commerce.

(6) The introduction into interstate commerce of any food, drug, or cosmetic if the manufacturer, processor, or packer does not hold an unsuspended valid permit when so required by regulations under section 305.

(7) The refusal to permit access to or copying of any record as required by section 706.

(b) Any person who violates or causes to be violated any of the provisions of paragraph (a) of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not less than $100 nor more than $1,000, or both such imprisonment and fine; and for a second or subsequent offense imprisonment for not more than two years, or a fine of not less than $100 nor more than $3,000, or both such imprisonment and fine.

(c) Notwithstanding the provisions of paragraph (b) of this section, in case of a willful offense the penalty shall be imprisonment for not more than three years, or a fine of not less than $1,000 nor more than $10,000, or both such imprisonment and fine.

(d) No publisher, radio-broadcast licensee, or other agency or medium for the dissemination of advertising shall be deemed to have violated the provisions of paragraphs (b) or (c) of this section by reason of the dissemination of any false advertisement, but the liability shall rest upon the manufacturer, packer, distributor, or seller who caused the dissemination of such advertisement. Any publisher, radio-broadcast licensee, or other agency or medium for the dissemination of advertising, who, on reasonable request of an officer or employee duly designated by the Secretary, willfully refuses to furnish the name and post-office address of the person who caused him to disseminate any advertisement; or who disseminates any false advertisement where the dissemination thereof has been caused by a person residing in a foreign country, and does not establish a guarantee or undertaking signed by a manufacturer, packer, distributor, or seller of the article advertised, residing in the United States, to the effect that such person assumes full responsibility for any violation of this Act incurred by the dissemination of such advertisement; shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties prescribed in paragraph (c) of this section.

(e) No dealer shall be prosecuted under paragraph (b) of this section (1) for having received in interstate commerce an article and in good faith sold it as received unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and all documents pertaining to the delivery of the article to him, or (2) if he establishes a guaranty or undertaking signed by the person residing in the United States from whom he received in good faith the article of food, drug, or cosmetic, or the advertising copy therefor, to the effect that such person assumes full responsibility for any violation of this Act, designating it, which may be incurred by the introduction of such article into interstate commerce or by the dissemination of such advertising. To afford protection, such guaranty or undertaking shall contain the name and address of the person furnishing such guaranty or undertaking, and such person shall be amenable to the prosecution and penalties which would attach in due course to the dealer under the provisions of this Act. No retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which is not distributed or sold in interstate commerce.

(f) Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 305, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not less than $1,000 nor more than $5,000, or both such imprisonment and fine.

(g) Any person who uses to his own advantage or reveals, other than to the Secretary or his officers or employees, or to the courts when relevant in the trial of any case under this Act, any information acquired under authority of sections 305 or 707, concerning any method or process which is entitled to protection in equity as a trade secret, shall be guilty of a felony, and shall on conviction thereof be subject to imprisonment for not more than two years or a fine of not more than $5,000 or both such imprisonment and fine.

LIABILITY OF CORPORATIONS AND THEIR OFFICERS

Sec. 709. (a) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, employee, or agent acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such person, as well as that of the officer, employee, or agent.

(b) Whenever a corporation or association violates any of the provisions of this Act, such violation shall also be deemed to be a violation by the individual directors, officers, or agents of such corporation or association who personally ordered, or did any of the acts constituting, in whole or in part, such violation.

INSTITUTION OF CRIMINAL PROCEEDINGS

Sec. 710. The Secretary shall, before reporting any violation of this Act to any United States attorney for institution of criminal proceedings thereunder, afford due notice and opportunity for hearing to interested persons in accordance with such regulations as the Secretary shall prescribe.

(b) The report of the Secretary to the United States attorney for the institution of criminal proceedings under this Act shall be accompanied by findings of the appropriate officers and employees, duly authenticated under their oaths. Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel or injunction proceedings minor violations of this Act whenever he believes that the purposes of the Act can best be accomplished by a suitable notice or warning.

SEIZURE

Sec. 711. (a) Any food, drug, or cosmetic in interstate commerce that is adulterated or misbranded, or that has been manufactured, processed, or packed in a factory or establishment, the operator of which did not, at the time of manufacture, processing, or packing, hold an unsuspended valid permit, if so required by regulations under section 305, shall be liable to be proceeded against while in interstate commerce or at any time thereafter on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found. The article shall be liable to seizure (1) by process pursuant to the libel, or (2) if a chief of station or other officer of the Food and Drug Administration, duly designated by the Secretary, has probable cause to believe that the article is so adulterated as to be imminently dangerous to health, then, and in such case only, by order of such officer, issued under his oath of office, particularly describing the article to be seized, the place where located, and the officer or employee to make the seizure. In case of seizure pursuant to any such order, the jurisdiction of the court shall attach upon such seizure. Any article seized pursuant to any such order shall thereupon be promptly placed in the custody of the court and a libel of information shall be promptly filed for condemnation thereof; and if the court before which the condemnation proceedings are had shall find that there was probable cause for such seizure, it shall issue a certificate of probable cause.

(b) If, in any proceeding against any officer or employee by reason of a seizure pursuant to paragraph (a), subdivision (2), of this section, the court shall find that there was probable cause for the seizure, or if a certificate of probable cause has been issued in the condemnation proceedings, then, in the event of a judgment against such officer or employee, the amount thereof shall, upon final judgment, be paid out of appropriations made for the administration of this Act.

(c) The court shall, by order at any time before trial, allow any party to a condemnation proceeding to obtain a representative sample of the article seized.

(d) Any food, drug, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such article shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided,* That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the party obtaining release of the article under bond. Any article condemned by reason of the manufacturer, processor, or packer not holding an unsuspended valid permit when so required by regulations under section 305 shall be disposed of by destruction.

(e) The proceedings in cases under this section shall conform, as nearly as may be, to the proceedings in admiralty; except that either party may demand trial by jury of any issue of fact joined in any such case.

(f) When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

(g) To avoid multiplicity of libel for condemnation proceedings without impairing the protection of the public or the opportunity for the prompt trial on the merits of alleged violations, the district courts of the United States are hereby vested with jurisdiction to restrain by injunction, as hereinafter provided, the institution of more than three seizure actions under this section against any article if (1) the alleged violation is one of misbranding only, (2) all current shipments of the article alleged to be misbranded bear the same labeling, (3) such alleged misbranding does not involve danger to health or gross deception, and (4) such misbranding has not been the basis of a prior judgment in favor of the United States in any criminal prosecutions or libel for condemnation proceeding under this Act. Upon motion by claimant of any article seized under this section, the court may order the dismissal of the libel for condemnation thereof if more than three seizure actions have previously been instituted against such article and such claimant would be entitled to injunctive relief as hereinbefore provided.

(h) Any injunction issued pursuant to paragraph (g) of this section shall be dissolved on motion of the United States attorney, (1) upon the presentation by him of a duly certified judgment of condemnation in a seizure case against such article, or (2) at the expiration of the term of court next ensuing after the term in which such injunction issued, unless the complainant files with the court a duly certified judgment rendered upon a determination of the issue of misbranding, and entered pursuant to this section after the issuance of such injunction, or evidence satisfactory to the court of his inability to secure such determination.

INJUNCTION PROCEEDINGS

Sec. 712. (a) In order to avoid multiplicity of criminal prosecutions or libel for condemnation proceedings, the district courts of the United States are hereby vested with jurisdiction to restrain by injunction, temporary or permanent, any person from the repetitious (1) introduction into interstate commerce of any adulterated or misbranded food, drug, or cosmetic; or (2) dissemination of any false advertisement by radio broadcast, United States mails, or in interstate commerce for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics; or (3) dissemination of a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics in interstate commerce. In such injunction proceedings it shall not be necessary to show on the part of such person an intent to continue the offense.

(b) Violation of any injunction issued pursuant to this section may be summarily tried and punished by the court as a contempt. Such contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney; and process of the court for the arrest of the violator may be served at any place in the United States or subject to its jurisdiction.

DUTIES OF UNITED STATES ATTORNEY

Sec. 713. It shall be the duty of each United States attorney to whom the Secretary reports any violation for institution of criminal, libel for condemnation, or other proceedings under this Act, or to whom any health, food, or drug officer of any State or Territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violation, to cause appropriate proceedings to be instituted in the proper courts of the United States without delay. All suits instituted under this Act other than those pursuant to section 711, paragraph (g), and section 702 shall be by and in the name of the United States.

IMPORTS AND EXPORTS

Sec. 714. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture upon his request, samples of food, drugs, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) any false advertisement of such article has been disseminated in the United States by the importer or exporter thereof, or any person in privity with him, within three months prior to the date such article is offered for import, or (2) such article has been manufactured, processed, or packed under insanitary conditions, or (3) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (4) such article is adulterated or misbranded, then such article shall be refused admission.

(b) The Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any such article refused admission, unless such article is exported by the consignee within three months from the date of notice of such refusal, under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee any such article pending examination and decision in the matter on execution of a bond as liquidated damages for the amount of the full invoice value thereof together with the duty thereon, and on refusing for any cause to return such article or any part thereof to the custody of the Secretary of the Treasury when demanded for the purpose of excluding it from the country or for any other purpose, such consignee shall forfeit the full amount of the bond as liquidated damages.

(c) All charges for storage, cartage, and labor on any article which is refused admission or delivery shall be paid by the owner or consignee and in default of such payment shall constitute a lien against any future importations made by such owner or consignee.

(d) A food, drug, or cosmetic intended for export shall not be deemed to be adulterated or misbranded under this Act if it (1) accords to the specifications of the foreign purchaser, (2) complies with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package with the words "For Export." But if such article is sold or offered for sale in domestic commerce, this paragraph shall not exempt it from any of the provisions of this Act.

PUBLICITY

Sec. 715. (a) The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated such information regarding food, drugs, or cosmetics as is necessary to protect against danger to public health or fraud upon the consumer, but such information regarding any brand of food, drug, or cosmetic gained under section 302, paragraph (i), or section 402, paragraph (e), shall not be so disseminated except in cases involving imminent danger to health or gross deception of the consumer: *Provided*, That nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of his Department.

SEPARABILITY CLAUSE

Sec. 716. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE AND REPEALS

Sec. 717. (a) This Act shall take effect twelve months after the date of approval. The Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., title 21, secs. 1-15), shall remain in force until such effective date, and, except as otherwise provided in this paragraph, is hereby repealed effective upon such date: *Provided*, That the provisions of sections 701 and 703 shall become effective on the approval of this Act, and thereafter, the Secretary is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this Act as the Secretary shall direct, and (2) designate prior to the effective date of this Act food having common or usual names and exempt such food from the requirements of subdivision (2) of paragraph (i) of section 302 for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by sections 303, 701, and 703: *Provided further*, That the Act of March 4, 1923 (U. S. C., title 21, sec. 6; 42 Stat. 1500 ch. 268), defining butter and providing a standard therefor, and the Act of July 24, 1919 (U. S. C., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form, shall remain in force and effect and be applicable to the provisions of this Act: *And provided further*, That amendment to the Food and Drugs Act, section 10A, approved June 22, 1934, shall remain in force and effect and be applicable to the provisions of this Act.

(b) The provisions of this Act shall not be held to modify or repeal any of the existing laws of the United States except as provided by paragraph (a) of this section.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 21, 1935

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Renewal of license, license to cover C. P.; **940 kc.**, 500 watts, daytime.

APPLICATIONS GRANTED

NEW—Attala Broadcasting Corp., Clarksdale, Miss.—Granted C. P. to erect a new station to operate on **1210 kc.**, 100 watts, unlimited time.

WREN—Jenny Wren Company, Lawrence, Kans.—Granted C. P. to install new equipment and increase day power from 1 to 5 KW.

WSVA—Marion K. Gilliam, Staunton, Va.—Granted modification of C. P. to extend completion date to April 4, 1935.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of C. P. to install new equipment, increase power from 100 watts to 100 watts night, 250 watts day; also to make change in specified hours.

WPAD—Paducah Broadcasting Co.. Inc., Paducah, Ky.—Granted license to cover C. P. authorizing changes in equipment and increasing daytime power from 100 to 250 watts, on **1420 kc.**, 100 watts night, unlimited.

WPAX—H. Wimpy, Thomasville, Ga.—Granted license to cover C. P. authorizing changes in equipment, change in hours of operation, and authority to move transmitter to new site; **1210 kc.**, 100 watts, daytime.

WTRC—Truth Radio Corp., Elkhart, Ind.—Granted license covering C. P. authorizing changes in equipment; **1310 kc.**, 50 watts night, 100 watts day, unlimited.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted license to cover C. P. authorizing installation of new equipment; **1200 kc.**, 100 watts, shares with WFAM.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 to 250 watts day; **1200 kc.**, 100 watts night, unlimited time.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted license to cover C. P. authorizing installation of new equipment; **1070 kc.**, 500 watts, specified hours.

WPHR—WLBG, Inc., Petersburg, Va.—Granted modification of C. P. extending commencement date to January 15, 1935, and completion date to February 15, 1935.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Granted renewal of license; **700 kc.**, 50 KW, unlimited time.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted modification of license to increase specified hours of operation.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted extension of special experimental authorization to operate with 250 watts daytime.

WGCM—Grace Jones Stewart, d/b Great Southern Land Co., Gulfport, Miss.—Granted modification of license to move studio from Gulfport to Mississippi City, which is same location as main transmitter. Also granted consent to voluntary assignment of license to WCGM, Inc.

W8XCE—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted renewal of special experimental station license for experimental service, in exact conformity with existing license.

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Granted renewal of general experimental station license for experimental service, for period January 24, 1935, to June 1, 1935, in exact conformity with existing license.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted modification of license to increase day power from 2½ KW to 5 KW.

SET FOR HEARING

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—C. P. to increase hours of operation to unlimited using 1 KW night, and change in antenna.

NEW—Paul Sullivan Andrews, Lewiston, Me.—C. P. for new station, **560 kc.**, 250 watts, daytime, site to be determined.

WCAE—WCAE, Inc., Pittsburgh, Pa.—C. P. to make changes in equipment and increase day power from 1 KW to 5 KW.

NEW—Evangeline Broadcasting Co., Lafayette, La.—C. P. for new station, **1310 kc.**, 100 watts, unlimited time.

NEW—Eugene DeBogory, d/b as Paris Broadcasting Co., Paris, Tex.—C. P. for new station, **1500 kc.**, 100 watts, daytime, site to be determined.

NEW—Nashville Broadcasting Corp., Nashville, Tenn.—C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

KADA—C. C. Morris, Ada, Okla.—C. P. to install new equipment, increase power from 100 watts day to 100 watts night, 250 watts day, and hours from daytime to unlimited.

NEW—KWIL Broadcasting Co., Partnership, D. A. Gibbs, Jr., and E. H. Shemorry, Williston, N. Dak.—C. P. for new station, **1500 kc.**, 100 watts, specified hours.

NEW—National Battery Broadcasting Co., Minneapolis, Minn.—C. P. for new station, **1370 kc.**, 100 watts, unlimited time, site to be determined.

WLBC—Donald A. Burton, Muncie, Ind.—C. P. for changes in equipment; increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day; and time of operation from simultaneous day, S-WTRC night, to unlimited.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—C. P. for new station, **1010 kc.**, 1 KW, unlimited time, site to be determined.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Calif.—C. P. to install new equipment; change power from 250 watts daytime to 250 watts night, 500 watts day; and hours of operation from daytime to unlimited.

WNEW—Woodam Corp., near Carlstadt, N. J.—Modification of license to increase daytime power from 2½ to 5 KW.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to increase day power from 500 watts to 1 KW.

NEW—East Texas Broadcasting Co., Dallas, Tex.—C. P. for new station, **1500 kc.**, 100 watts, simultaneous day with KGKB and specified hours night from 8 p. m. to midnight (contingent upon application below).

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Modification of license to change hours of operation from specified to unlimited day, specified night, from LS to 8 p. m. (contingent upon application listed above).

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Modification of license to increase day power from 2½ to 5 KW.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to increase day power from 2½ to 5 KW.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—C. P. to move station locally, site to be determined subject to approval of Commission; install new equipment; change frequency from **1230 kc.** to **830 kc.**; increase power from 1 KW night and 2½ KW day to 5 KW, unlimited time; assume facilities of WHDH and transfer present facilities of WNAC to WHDH. To be heard before the Broadcast Division March 27, 1935.

NEW—J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—C. P. amended so as to request location: American Legion Building, Lake Evans, Fairmont Park, Riverside, Calif., as transmitter location, and to request 250 watts instead of 100 watts; frequency **820 kc.**, hours of operation daytime.

NEW—Richard Field Lewis, Del Monte, Calif.—C. P. amended so as to request transmitter location at Polo Field, Del Monte, Calif., and to request unlimited time; frequency **1210 kc.**, 100 watts.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Modification of license to increase power from 50 KW to 500 KW.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-14: T. H. Barton, El Dorado, Ark.—Granted permission to erect a new radio station at El Dorado to operate on **1370 kc.**, 100 watts, unlimited time, sustaining Examiner R. H. Hyde.

MISCELLANEOUS

KBOD (formerly KFXF)—Colorado Radio Corp., Denver, Colo.—Denied petition requesting Commission to reconsider its action of October 9, 1934, designating for hearing application to increase daytime power from 500 watts to 1 KW. Also denied petition requesting Commission to reconsider action of December 11, 1934, designating for hearing application of KPOF, Denver, Colo., which also requests increase in daytime power from 500 watts to 1 KW. Denied request to cancel said hearings and grant both applications.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted permission to intervene in the hearing of the application of Jack Powers et al., doing business under the name of Utah Broadcasting Co., for C. P. for radio broadcasting station at Salt Lake City, Utah.

NEW—William G. Demuth, Uhrichsville, Ohio.—C. P. for new station, **1420 kc.**, 100 watts, daytime, heretofore set for hearing, was denied as in case of default for failure to file an appearance and statement of facts under Rule 48B.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from **1230 kc.** to **830 kc.**, 1 KW unlimited time, heretofore set for hearing, was dismissed because a new application has been filed to be substituted in place thereof.

KLS—S. W. Warner and E. W. Warner, d/b as Warner Bros., Oakland, Calif.—Modification of license, **1440 kc.**, 250 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license, **560 kc.**, 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license, **680 kc.**, 500 watts, 1 KW LS, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Special experimental authorization, **1500 kc.**, 250 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WSOC—WSOC, Inc., Charlotte, N. C.—Special experimental authorization, **880 kc.**, 250 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—C. P., **1360 kc.**, 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

APPLICATIONS RECEIVED

First Zone

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate simultaneously with KTHS on **1060 kc.** from 6 a. m. to local sunset at Hot Springs, Ark., from local sunset at Hot Springs to 9 p. m., EST, and from 9 p. m. to synchronize with WJZ on **760 kc.**, 2½ KW, for the period 2-1-35 to 8-1-35.

NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—Cumberland Broadcasting Co., Inc., Portland, Maine.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

WMBQ—Paul J. Gollhofer and Lillian E. Kiefer, co-partners, d/b as Radio Station WMBQ, Brooklyn, N. Y.—Involuntary assignment of license from Paul J. Gollhofer to Paul J. Gollhofer and Lillian E. Kiefer, co-partners, d/b as Radio Station WMBQ.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts, move transmitter locally.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Modification of license to increase hours of operation from daytime to unlimited, using 100 watts power at night.

WJAR—The Outlet Company, Providence, R. I.—Extension of special experimental authorization for additional power of 250 watts night for the period 3-1-35 to 9-1-35.

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of license to increase power from 50 KW to 500 KW.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Construction permit to make changes in equipment.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Authority to determine operating power by direct measurement of antenna power.

Third Zone

NEW—Eugene DeBogory and Mildred English, d/b as Dallas Broadcasting Co., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, daytime, amended re transmitter location and to change hours of operation to specified (day and night), 100 watts.

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, specified hours, amended to request daytime hours of operation.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit to move transmitter, change frequency, and increase power and hours of operation, amended to request a special experimental authorization to change frequency from **1370 kc.** to **940 kc.**, increase power from 100 watts to 1 KW, and hours of operation from S-KONO to unlimited, make changes in equipment and move transmitter to Rural, near San Antonio, Tex.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Authority to determine operating power by direct measurement of antenna.

WPTF—WPTF Radio Co., Raleigh, N. C.—License to use the old W.E. 6-B, 1-KW transmitter as an auxiliary.

WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental authorization to use the old W.E. 6-B, 1-KW transmitter as an auxiliary during the period as authorized by special experimental authorization (to 11 p. m., EST), for period ending 2-1-35.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of special experimental authorization to use 5 KW power during period as authorized by special experimental authorization (to 11 p. m., EST), for period ending 2-1-35.

NEW—Pope Foster, Mobile, Ala.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, daytime, amended to request **1500 kc.**, 100 watts, unlimited time.

NEW—Neth L. Leachman, Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time, amended as to change name of applicant to Centennial Broadcasting Corp.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to operate on **1240 kc.**, 1 KW, from 1 a. m. to 6 a. m., CST, for period 1-13-35 to 1-31-35 (see KTAT below).

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authorization to operate on **570 kc.**, 500 watts, from 1 a. m. to 6 a. m., CST, for period 1-13-35 to 1-31-35 (see KGKO above).

NEW—Educational Radio, Inc., Spartanburg, S. C.—Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time, amended as to equipment.

Fourth Zone

NEW—Duluth Broadcasting Co., Duluth, Minn.—Construction permit to erect a new broadcast station at Duluth, Minn., to be operated on **1200 kc.**, 100 watts, unlimited time, amended to request **1500 kc.**

NEW—KGBX, Inc., St. Joseph, Mo.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts night, 250 daytime, unlimited time, amended to request 100 watts day and night.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Modification of license to increase hours of operation from daytime to unlimited and power from 2½ KW daytime to 500 watts night, 2½ KW daytime.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to make changes in equipment, move transmitter locally, and increase power from 250 watts night, 1 KW daytime, to 1 KW day and night.

Fifth Zone

NEW—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Construction permit to erect a new broadcast station to be operated on **610 kc.**, 250 watts, unlimited time.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to install new equipment, change frequency from **1200 kc.** to **1260 kc.**, and increase power from 100 watts to 1 KW, amended requesting move of transmitter and further equipment changes.

NEW—Eagle Rock Broadcasting Co., Charles A. Butler, E. Kaufman, Eagle Rock, Calif.—Construction permit to erect a new broadcast station to be operated on **1160 kc.**, 250 watts, daytime, amended re transmitter site.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Construction permit to make changes in equipment.

KRKO—Pioneer Broadcasters, Inc., Everett, Wash.—Construction permit to make changes in equipment and move transmitter and studio locally.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of construction permit authorizing changes in equipment, change in frequency from **1370 kc.** to **1200 kc.**, and increase in power from 100 watts to 250 watts, to request further change in frequency to **1260 kc.** and extend commencement and completion dates, amended to request **1390 kc.**

The National Association of Broadcasters
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FCC OPPOSES PERCENTAGE ALLOCATIONS

The Federal Communications Commission on January 22 sent to Congress a report recommending that no fixed percentages of radio broadcast facilities be allocated by statute to particular types or kinds of non-profit groups and served notice that it intends to call within the near future a general conference of educators and broadcasters for the purpose of developing a cooperative radio education program.

The report and reccomendations were in response to Section 307 (c) of the Communications Act of 1934 concerning the proposal that Congress, by statute, allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities. Extensive hearings were held on the issue from October 1 to 20 and from November 7 to 12, the NAB appearing for the organized broadcasters.

The Commission proposes to hold a conference at an early date between broadcasters and educators with a view to aiding in the development of a general program for increased use of broadcasting facilities for education and discussion purposes.

The report, one of the most important ever submitted to the Congress on the subject of broadcasting, should be read carefully by every broadcaster. While it holds that there is no necessity for legislation on the subject, it nevertheless definitely commits the Commission to a program under which broadcasters and educators must cooperate. The Commission feels, says the report, that it has all the power that is necessary to make such cooperative program effective, adding that there remains to be developed a proper technique for preparation and presentation of educational programs. "Broadcasting has a much more important part in the educational program of the country than has yet been found for it," says the report.

A proposal that provisions be made by the Commission to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established stations, is included in the report. Such preliminary examination would be for the purpose of determining whether or not such application violates any provisions of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Applications found inconsistent with law or regulation would be refused without requiring the presence of licensees of existing stations at hearings.

TEXT OF FCC REPORT

"The Communications Act of 1934, Section 307 (c) provides:

" 'The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs, or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.'

"Under existing law, the Federal Communications Commission is charged with the responsibility of licensing stations if public interest, convenience and necessity will be served thereby and with effecting an equal allocation of facilities to the zones and a fair and equitable allocation of facilities to the states according to population.

"As a means of studying the proposal, the Broadcast Division, by direction of the Commission, held public hearings from October 1-20 and from November 7-12, 1934. Notices of the hearings, 1,535 in all, were mailed directly to all parties of record at the Commission, to twenty-one administrations, departments, commissions and offices of the government, and wide newspaper publicity was given the matter so that anyone interested might be informed of the hearings. One hundred and thirty-five witnesses testified at the hearings and approximately 14,000 pages of testimony were presented for the Commission's consideration in addition to several thousand pages of exhibits.

"The broadcasting industry, including the licensees of broadcast stations and the manufacturers of radio equipment, expressed opposition to the proposal. Much of the testimony presented to the Commission by the industry was directed to the purpose of showing the service rendered by broadcasters to particular types or kinds of non-profit activities. Representatives of the National Association of Broadcasters presented statistics from 269 stations representing 77 per cent of the so-called commercial radio stations. The total investment of these stations, as reported, is $25,041,327.00 and the total cost of operating the stations for the period from January 1, 1934, to June 30, 1934, was $12,833,302.00. The total broadcasting time of these stations for the same period was 669,000 hours, of which 75,773 hours or 11.3 per cent of the total broadcasting time was devoted to program matter of the character referred to in the proposal, a large percentage of which were night hours. It was asserted that a greater percentage of the time might be considered as being devoted to educational purposes, using the term "educational" in its broadest sense to embrace all programs having a cultural or informative value. These general statistics were supported by reference to particular services of particular stations. Representatives of some of the most important institutions of learning were definite in their statements that they had ample opportunity for the development of their radio activities under present arrangements, and they were likewise definite in their opposition to any re-arrangement which would place the burden of maintaining broadcast stations upon educational institutions.

"Most of the witnesses who testified in behalf of the non-profit groups expressed the belief that the interests of such institutions would be best served by a more efficient use of the radio facilities maintained at the present time and a more extensive use of the resources and audiences of stations now licensed.

"It is clearly established by the Commission's study of the problem, that no allocation of facilities for special services could be effected by the authorizing of new stations to make up the proportion of facilities proposed to be allocated to special services. Limitations of physical laws on the number of available frequencies absolutely prevent any general enlargement of the number of broadcast stations. The addition of any appreciable number of new stations must necessarily result in interference with existing stations and in consequent reduction of service areas with the tendency to limit broadcast service to areas immediately surrounding the location of transmitters. But notwithstanding the fact that there are so many stations now that changes in one station almost invariably affect services of other stations, it is a fact that there are large areas of the United States in which there is not one radio service of dependable signal quality available to residents. Before undertaking to provide special services through the addition of new stations, it would seem a fundamental requirement that the general public throughout the whole country be provided with at least one radio service of general interest and dependable signal quality lest there be discrimination against areas not receiving any service.

"Practically all types of non-profit organizations were represented in this comprehensive study of the aims and purposes of radio broadcasting, but no unanimity of thought or plan on the part of these organizations is apparent from the record. While the hearings were conducted to determine whether statutory allocation was desirable, there were few definite proposals that such allocation be made. There were many statements made by prominent educators and leaders asking that no definite allocation be made by statute, hoping thereby to protect the present cooperative effort being carried on between the commercial stations and the non-profit organizations. Commercial stations are now responsible under the law, to render a public service, and the tendency of the proposal would be to lessen this responsibility.

"They further stated that such organizations were not equipped and were not financially able to build and maintain their own broadcasting stations if facilities were allocated to them. The Commission feels that present legislation has the flexibility essential to attain the desired ends without necessitating at this time any changes in the law.

"Among those appearing for the non-profit organizations were representatives of labor, education, religion and civic groups. The labor representatives did not favor a specific allocation of facilities but were interested mostly in the maintenance of the facilities that they now enjoy. Representatives of various educational institutions seemed to favor the present system while offering certain improvements which apparently can be accomplished under existing law. Most of the representatives of religious groups seem to favor the continuance of the present system. In general, representatives of non-profit groups expressed the opinion that the best results would be brought about by cooperation between the broadcasters and their organizations under the direction and supervision of the Commission, and not by an allocation of fixed percentages.

Recommendation:

"THE FEDERAL COMMUNICATIONS COMMISSION RESPECTFULLY RECOMMENDS THAT AT THIS TIME NO FIXED PERCENTAGES OF RADIO BROADCAST FACILITIES BE ALLOCATED BY STATUTE TO PARTICULAR TYPES OR KINDS OF NON-PROFIT RADIO PROGRAMS OR TO PERSONS IDENTIFIED WITH PARTICULAR TYPES OR KINDS OF NON-PROFIT ACTIVITIES.

Reasons:

"There is no need for a change in the existing law to accomplish the helpful purposes of the proposal.

"Flexibility in the provisions of the law is essential to regulation if growth and development in the art of broadcasting is to be encouraged and regulated for the best interests of the public as a whole.

"There are insufficient broadcast facilities available in the present development of the art to provide for specialized broadcast services consistent with a fair and equitable distribution of facilities and services throughout the country.

"No feasible plan for a definite allocation of broadcast facilities to non-profit organizations has been presented.

"The hearings developed no evidence of a real demand on the part of the great body of non-profit organizations or on the part of the general public for the proposed allocation of definite percentages of broadcast facilities to particular types or kinds of non-profit activities.

"It would appear that the interests of the non-profit organizations may be better served by the use of the existing facilities, thus giving them access to costly and efficient equipment and to established audiences, than by the establishment of new stations for their peculiar needs. In order for non-profit organizations to obtain the maximum service possible, cooperation in good faith by the broadcasters is required. Such cooperation should, therefore, be under the direction and supervision of the Commission.

Proposed Action:

"In order to offer constructive thought and assistance in accomplishing the wholesome ends sought to be attained by Congress in directing the submission of this report, the Commission outlines a course of action which it will undertake at once and which it believes will accomplish these desirable ends.

"The Commission proposes to hold a national conference at an early date in Washington, at which time plans for mutual cooperation between broadcasters and non-profit organizations can be made, to the end of combining the educational experience of the educators with the program technique of the broadcasters, thereby better to serve the public interest. The Conference should also consider such specific complaints as might be made by non-profit groups against the actions of commercial broadcasters in order that remedial measures may be taken if necessary.

"The Commission intends also actively to encourage the best minds among broadcasters and educators alike in order to develop a satisfactory technique for presenting educational programs in an attractive manner to the radio listener. Cooperation with the United States Commissioner of Education and other governmental agencies already established to assist in building helpful radio programs will be sought to an even greater degree than it now exists. The results of the broadcast survey, which is now being conducted by the Commission to determine the amount and quality of secondary service of large metropolitan broadcasting stations in remote sections of the United States as well as by broadcast stations generally, will be studied with the thought in mind of providing the best possible service to every American radio listener and to provide him with a well-balanced selection of non-profit and public-interest programs. The results of a direct questionnaire survey now under way will be studied with the same thought definitely in mind.

"The Commission feels, in particular, that broadcasting has a much more important part in the educational program of the country than has yet been found for it. We expect actively to assist in the determination of the rightful place of broadcasting in education and to see that it is used in that place.

"There have been protests, particularly by persons interested in the preservation of the broadcasting facilities of educational institutions, against the procedure under which licensees are required to defend their assignments in hearings upon applications of other parties. The Commission now proposes that provisions be made to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established stations, to determine whether the application violates any provisions of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Under such a provision, applications found inconsistent with law or regulation and applications of those found not qualified to operate stations will be refused without requiring the presence of licensees of existing stations at hearings.

"It is the earnest belief of the Commission that the action planned by it will accomplish results which will prove of lasting benefit to the broadcast structure as well as to the American radio public. The Commission seeks to accomplish the purposes for which the non-profit interests and the broadcasters are earnestly working without the necessity of any radical reallocation, which would precipitate dissatisfaction and chaos and which would tend only to complicate and impede true progress in the broadcast public service.

"In making this report, the Commission is not unmindful of the sincerity with which the well-considered arguments were presented by the non-profit organizations supporting the proposal of a statutory allocation as well as by the broadcasters generally. The fine spirit and cooperation were most helpful. The Commission does not wish to seem to disregard the requests of the non-profit organizations. It is to effectuate these requests and to accomplish the greatest and the widest good that the Commission will undertake the action outlined in this report. It is our firm intention to assist the non-profit organizations to obtain the fullest opportunities for expression. Every sound, sensible and practical plan for the betterment of the broadcast structure will be speedily effected.

"Respectfully submitted,

"E. O. SYKES, *Chairman,*
"Federal Communications Commission."

CONFIRMATION HEARINGS HELD

The Senate Committee on Interstate Commerce on Wednesday of this week began hearings on the confirmation of six of the seven commissioners of the Federal Communications Commission. Former Representative Anning S. Prall was confirmed by the Senate about two weeks ago.

Senator Theodore Bilbo of Mississippi appeared before the Committee and protested the confirmation of Judge Sykes on the grounds that he had opposed him in the Mississippi elections.

During the questioning of Judge Sykes, FCC Chairman, Senator Wheeler of Montana stated that he does not personally favor government ownership of broadcasting stations, but served notice that the demand for government ownership will increase if small stations continue to be drowned out by the powerful clear channel stations, thus depriving rural listeners of their only service.

In reply to a question, Judge Sykes stated that in his opinion the sale of a broadcasting station for an amount greater than the value of the physical equipment could be justified, on the basis of the recognized value of a going business.

Senator Wheeler stated that it is his intention to introduce an amendment to the Communications Act of 1934 providing that at least one of the seven commissioners must be appointed from each of the five zones. The fourth and fifth zones are not represented on the present Commission.

Numerous questions were asked relative to the Commission's report on the proposed merger of telegraph companies.

The prevailing opinion is that the commissioners will be confirmed.

Other appointees who were heard briefly by the Committee were Commissioners Brown, Case, Walker, Stewart and Payne.

PRALL TAKES OATH

Former Representative Anning S. Prall, of New York, was sworn in this week as member of the Federal Communications Commission. His term expires on July 1st next and he takes the place left vacant by the resignation of Hampson Gary. No broadcasting division meeting was held on Tuesday of this week to allow the new Commissioner to familiarize himself with some of the Commission procedure.

DAVIS AMENDMENT REPEAL ASKED

In legislative recommendations sent to Congress this week by the Federal Communications Commission it is recommended that the Davis Amendment be repealed and that there be substituted therefor (Section 307 (b)) a provision similar to Section 9 of the old Radio Act of 1927. If the recommendation is adopted the Commission's unit system would fall into discard.

The NAB has consistently opposed a mathematical distribution of facilities and has always favored repeal of the Davis Amendment and abolition of the unit system.

The proposed substitute for Section 307 (b) as submitted by the Commission follows:

> "In considering applications for licenses, or modifications and renewals thereof, when and in so far as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same."

In its supporting reasons the Commission says:

"With slight changes this is Section 9 of the Radio Act of 1927 prior to its amendment. The existing provision, we believe, has been administered in accord with its requirements, and the administration of it has reached the point where equality has been achieved in so far as possible under its terms. The present law is contrary to natural laws and results in concentration of the use of frequencies in centers of population and a restriction of facilities in sparsely populated states even though one or more additional stations could be operated without interference from any other station. Because of the size of the zones, this distribution results in providing ample broadcasting service in the small zones and lack of service in the large zones. An absolute 'equality of radio broadcasting service' is not possible under the existing guide. In the provision suggested, *service* is made an important criterion, making it possible to carry out the statutory provisions of public interest, convenience and necessity without artificial restrictions."

COLORADO SPRINGS GETS NAB MEETING

The 1935 NAB membership meeting will be held at Broadmoor, Colorado Springs, Colo., July 6, 7, 8, 9 and 10, it was announced this week by the Executive Committee of the NAB.

Agreement was reached among President Ward, Treasurer Levy and Managing Director Loucks, constituting the Executive Committee, this week while the Managing Director was in Nashville for the purpose of organizing the Tennessee State NAB Committee. Treasurer Levy in Philadelphia was contacted by telegram.

This decision follows the recommendations of the membership as expressed in a resolution adopted at the Cincinnati convention and also a motion adopted by the Board of Directors at its December meeting.

The Broadmoor Hotel has confirmed the convention dates and plans for the meeting will go forward without delay.

SPENCE AGAIN CONVENTION CHAIRMAN

Ed Spence, WPG, Atlantic City, N. J., has been named chairman of the General NAB Convention Committee by President Ward. Spence has served as chairman of NAB convention committees for the past five years and, through his efforts, the Association has had its most successful meetings. He has been authorized by President Ward to name his own committee.

FCC FAVORS PRELIMINARY HEARINGS

Included in the legislative recommendations of the Federal Communications Commission submitted to Congress this week is a proposed section (amendment to first paragraph of Section 309 (a)) relating to preliminary hearings.

The proposed new section reads as follows:

> "However, if it appears upon examination of any such application that the granting thereof will, in the opinion of the Commission, adversely affect the service of any existing radio station, the Commission may, pursuant to such rules and regulations as it may prescribe, conduct an informal and preliminary hearing thereon. If as a result of such informal and preliminary hearing, the Commission is of the opinion that the application violates any provision of this Act or the rules and regulations of the Commission, or that the applicant is not legally, financially or technically qualified, or that the applicant is not in a position financially, technically or otherwise to contest the use of a radio facility with the licensee of an existing station, and that such application should be refused, the Commission may enter its final order refusing such application, stating the reasons therefor."

Supporting this new provision, the Commission gives the following reasons:

"It is believed that under the present law in Section 309 (a) the Commission is authorized to conduct a preliminary or *ex parte* hearing and to promulgate a regulation governing the procedure thereon. The matter, however, is not free from considerable doubt for the reason that the determination of the question depends upon the kind of 'a hearing' provided for in the second sentence of this paragraph. On the one hand, a formal hearing of which all parties interested would receive notice may be the requirement, while on the other hand an *ex parte* or preliminary hearing involving only the applicant may be authorized. It is believed sound policy to obtain specific legislation where there is doubt as to the authority conferred.

"Under the present procedure pursuant to the Communications Act of 1934, as well as that followed under the Radio Act, anyone, regardless of his own financial or technical circumstances, may, by the filing of proper application forms requesting the facilities of any existing station, cause such existing station to be put to considerable expense in defending its assignment. This is proper so long as the application is made in good faith and the applicants are themselves qualified, technically and financially, to carry on a public service. However, in many cases it has developed that the applicants have not filed their applications in good faith, or with any hope of favorable outcome but *for purposes of annoyance* and expense to the existing station and services, while, in other cases, the applications were made in good faith but, upon a hearing, it was developed that the applicants were so entirely lacking in the necessary qualifications, financial and technical, as to be unworthy of favorable consideration. Nevertheless, this would not appear until *after* a hearing had been had at which time licensees whose facilities had been requested, were compelled to appear and participate in that hearing with the consequent inconvenience and expense.

"A large part of all applications filed directly affect existing services and compel defense to be made from time to time. The suggested amendment above will give the Commission authority to eliminate at the outset applicants whose applications are made in bad faith or whose own qualifications, technical and financial, are such as to be unworthy of favorable consideration *on their own merits*. In other words, applicants requesting the facilities of an existing station will first have to prove to the Commission at a preliminary hearing that they are in good faith and qualified to operate, from a technical and financial standpoint, the facilities they request in the public interest. Thus, the existing station will not be required to go to the expense of a hearing needlessly."

SUSPENSION POWER SOUGHT BY FCC

Power to suspend licenses for periods of 30 days is sought by the Federal Communications Commission in its legislative recommendations to Congress.

The amendment proposed by the Commission to Section 312 (b) of the Communications Act is as follows:

> "Sec. 312 (a). Any station license may be revoked *or suspended for a period of not to exceed 30 days* for false state-

ments either in the application or in the statement of fact which may be required by Section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violations of or failure to observe any of the restrictions and conditions of this Act or any regulations of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided, however,* That no such order of revocation *or suspension* shall take effect until 15 days' notice in writing thereof, stating the cause for such proposed revocation or suspension has been given to the licensee. Such licensee may make written application to the Commission at any time within said 15 days for a hearing upon such order, and upon the filing of such written application, said order of revocation or suspension shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing, the Commission may affirm, modify or revoke said order of revocation *or suspension."*

Reasons for the recommendation given by the Commission in its report to Congress are as follows:

"There are many instances where the revocation of a license is too drastic a punishment, but where some admonitory action should be taken. In most cases these are instances of violations of Commission regulations which could be properly punishable by a short suspension. Under the existing law, however, the Commission does not have power to suspend, but only to revoke or deny a renewal application, if and when filed."

The NAB has opposed a similar provision in the law in the past and has asked to be heard in the event hearings are held upon the suspension proposal.

WOULD CHANGE APPEALS SECTION

In the event the Congress amends the law to empower the Federal Communications Commission to suspend licenses, the Commission suggests the following amendment to Section 402 (a):

(Except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, *or any order of the Commission suspending an existing radio station license.*)

Section 402 (b) should be amended by adding after paragraph (2) another paragraph as follows:

(3) By any licensee whose radio station license has been suspended.

The following reasons are given by the Commission for this change in the law:

"If Section 312 of the Act is amended so as to authorize the Commission to suspend a radio station license the right of appeal from the order of suspension should be afforded. The right to appeal from an order of revocation is now afforded under Section 402 (a) authorizing appeal from orders of the Commission to special three-judge courts. (District Court Jurisdiction Act) Appeal from orders suspending a station license should be under Section 402 (b) providing for appeal in certain radio cases to the *Court of Appeals of the District of Columbia.* That Court has for some time past and until approval of the Communications Act had exclusive jurisdiction of radio appeal cases, now has jurisdiction over the large majority of such appeals, is required by the Statute to give preferential handling in point of time to them, and there will be involved in suspension cases violations of the many technical regulations of the Commission with which said Court has had experience."

WOULD CREATE ACCOUNTING DIVISION

A bill to create an accounting division in the Federal Communications Commission (S. 1336) was introduced in the Senate on January 22 by Senator Wheeler of Montana, chairman of the Senate Interstate Commerce Committee. The bill has been referred to the Senate Interstate Commerce Committee.

The bill follows the recommendation of the Commission which point out that "in rate regulation and in utility investigations, accounting is necessarily of first consideration; hence the importance of securing the best accounting talent available." "Failure to make the same provision in the law for a chief accountant and assistant chief accountants as is made for a chief engineer and assistant chief engineers is an insurmountable handicap to the Commission and prevents the securing of needed accountant of nationally recognized ability," says the Commission.

The text of the Wheeler bill follows:

"To amend paragraph (f) of section 4 of the Communications Act of 1934.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (f) of section 4 of the Communications Act, 1934, is hereby amended by adding after the words 'a chief engineer and not more than three assistants,' the words 'a chief accountant and not more than three assistants,' and by adding after the words 'and the chief engineer,' the words 'and the chief accountants,' and by adding after the word 'engineers' the word 'accountants'; so that paragraph (f) of section 4, as amended, will read as follows:

"(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed $4,000. The general counsel and the chief engineer and the chief accountant shall each receive an annual salary of not to exceed $9,000; the secretary shall receive an annual salary of not to exceed $7,500; the director of each division shall receive an annual salary of not to exceed $7,500; and no assistant shall receive an annual salary in excess of $7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions."

NRA POLICY HEARINGS

The National Recovery Administration this week announced that the second of a series of policy hearings will deal with employment provisions in codes. The hearing will be convened on January 30 at which there will be consideration of proposed modifications or confirmations of policy on major problems now confronting the Board.

STATE LEGISLATION

In the past week a number of additional state bills affecting broadcasting have been reported.

California Assembly Bill 188, introduced by Representative Boyle, prohibits the false advertising by radio of foods, drugs and cosmetics. The bill is so drafted that it is not clear whether or not the broadcasting station is jointly liable with the advertiser. In various respects this bill differs from any of the bills for federal legislation on the subject.

Massachusetts House Bill 1270, introduced by Representative O'Brien, is another effort to deal with the question of defamation by radio. Like Massachusetts House Bill 696, noted last week, this bill requires each station to keep a transcript of every word uttered, but this bill goes one step farther and requires a record of every word whether spoken or sung. Furthermore, the record must be attested. On the other hand, this new bill defines defamation by radio as slander, whereas the earlier bill defined it as libel.

Missouri House Bill 135, introduced by Representative Russell, prohibits the distribution by radio of any information regarding horse races.

New York Senate Bill 186, introduced by Senator Berg, provides that every employer operating a place where dramatic and musical productions are given, and which operates seven days a week, must give each employee twenty-four consecutive hours of rest each week. It is not clear whether this bill would apply to broadcasting studios.

Pennsylvania House Bill 241, introduced by Representative Weiss, requires colleges and other educational institutions to permit the broadcasting of home football games if reasonable compensation is offered.

Texas Senate Bill 62, introduced by Senator Dugan, levies a tax of 2¾ per cent on the gross receipts of radio broadcasting companies. This same issue has arisen in other states, but to date the decisions of the courts are to the effect that all broadcasting is interstate commerce, and that consequently it cannot be taxed by the states.

FOOD AND DRUGS BILL INTRODUCED

The only important piece of Federal legislation introduced in the past week is H. R. 3972, by Congressman James M. Mead of New York. This is a bill amending the Food and Drug Act, and is in most respects the most constructive and soundest bill on this subject. From the standpoint of broadcasting, its most important feature is that it specifically puts the regulation of all advertising where it now is, in the hands of the Federal Trade Commission.

The text of the measure follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is hereby amended in title to read "An Act to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drugs, and cosmetics; to prevent the false advertising of foods, drugs, and cosmetics; and to regulate traffic therein"; and in the several sections thereof to read as follows:

"SECTION 1. This Act may be cited as the 'Federal Food, Drug, and Cosmetic Act.'

"DEFINITION OF TERMS

"SECTION 2. As used in this Act, unless the context otherwise indicates—

"(a) The term 'food' includes (1) all articles used for food, drink, or condiment by man or other animals; and (2) all articles used for confection or chewing gum by man; and (3) any substance or preparation intended for use as an ingredient in the composition of any such article.

"(b) The term 'drug' includes (1) all substances and preparations recognized in the United States Pharmacopoeia, National Formulary, or any supplement thereto official at the time of investigation, and intended for use as or in medicine for man or other animals; (2) all substances and preparations intended to be used for the cure, mitigation, treatment, or prevention of disease of either man or other animals; (3) all substances and preparations, other than food, intended to affect the structure or any function of the body; and (4) all devices intended to be used for the cure, mitigation, treatment, or prevention of disease, or to affect the structure or function of the body of either man or other animals.

"(c) The term 'cosmetic' includes all substances and preparations intended for external or orificial application in cleansing or altering the appearance of, or promoting the attractiveness of, the person.

"(d) The term 'label' means the principal label or labels (1) upon the immediate container of any food, drug, or cosmetic; and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, or cosmetic.

"(e) The term 'labeling' includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, or cosmetic.

"(f) The term 'advertisement' includes all advertisements and all representations of fact or opinion therein or commercially disseminated in any manner or by any means other than by the labeling.

"(g) The terms 'interstate commerce' or 'commerce' mean (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within the District of Columbia or within any other territory not organized with a legislative body.

"(h) The term 'territory' means any territory or possession of the United States, including the District of Columbia, but excluding the Canal Zone.

"(i) The term 'person' shall be construed to import both the plural and the singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations.

"(j) The term 'Secretary,' unless otherwise indicated, means the Secretary of Agriculture.

"MANUFACTURE WITHIN TERRITORIES OR DISTRICT OF COLUMBIA

"SEC. 3. It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food, drug, or cosmetic, which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and for each offense shall upon conviction thereof, be fined not to exceed $500, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense and conviction thereof shall be fined not to exceed $1,000, or sentenced to not more than two years' imprisonment, or both such fine and imprisonment, in the discretion of the court.

"SHIPMENT IN INTERSTATE COMMERCE

"SEC. 4. The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food, drug, or cosmetic, which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, or to a foreign country; or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded, within the meaning of this Act; or any person who shall sell or offer for sale in the District of Columbia, or the territories of the United States any such adulterated or misbranded food, drug, or cosmetic, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor and for such offense be fined not exceeding $500 for the first offense, and upon conviction for each subsequent offense not exceeding $1,000, or by imprisonment not exceeding two years, or both, in the discretion of the court: *Provided,* That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

"DISSEMINATION OF FALSE ADVERTISING

"SEC. 5. False advertisements of food, drugs, and cosmetics within the meaning, and for the purposes, of this Act are hereby declared unlawful.

"(a) The Federal Trade Commission is hereby empowered and directed to prevent such advertisements in the same manner as that whereby it is empowered and directed to prevent unfair methods of competition in commerce by an Act of Congress approved September 26, 1914, entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes';

"(b) The Secretary shall report to the Federal Trade Commission all violations of this section, and shall furnish the said Commission, upon its request, scientific information as to the properties, qualities, and effect of any food, drug, or cosmetic;

"(c) Upon a showing satisfactory to the court that any advertisement so reported to the Federal Trade Commission is false or deceptive in manner or degree to render said advertisement, or the article of food, drug, or cosmetic in the sale of which said advertisement is disseminated, imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain the dissemination of said advertisement pending the final determination of the proceeding in the Federal Trade Commission.

"ADULTERATED FOOD

"SEC. 6. A food shall be deemed to be adulterated—

"(a) If it is dangerous to public health;

"(b) (1) If it bears or contains any added poisonous or other added deleterious substances which may render such food injurious to health; or (2) if its container bears or is composed of any poisonous or deleterious substances which may by contamination render such food injurious to health; or (3) in the case of an ingredient, if its use in the composition of a food, as defined in section 2 (a) (1) and (2) of this Act, would render such food injurious to health;

"(c) (1) If it consists, in whole or in part, of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or (2) if it is the product of a diseased animal, or one that has died otherwise than by slaughter; or (3) if it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth; or (4) in the case of an ingredient, if its use in the composition of a food, as defined in section 2 (a)

(1) and (2) of this Act, would render such food unfit for consumption;

"(d) (1) If any valuable constituent of the article has been, wholly or in part, abstracted; or (2) if any substance has been substituted, wholly or in part, for the article; or (3) if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; or (4) if any substance has been added to it or mixed or packed with it so as to increase its bulk or weight, whereby such food is deceptive; or (5) if any substance has been added to it or mixed or packed with it in any way so as to create a deceptive appearance, or (6) if damage or inferiority has been concealed in any manner;

"(e) If it contains a coal-tar color other than one from a batch certified by the Secretary under this Act. The Secretary is hereby authorized to promulgate, after a duly advertised public hearing, regulations for the certification of coar-tar colors which are harmless and suitable for use in food;

"(f) If it is confectionery or ice cream and bears or contains any alcohol, harmful resinous glaze, or nonnutritive substance except masticatory substances in chewing gum, coloring, flavoring, natural gums, gelatin, and pectin.

"ADULTERATED DRUGS

"SEC. 7. A drug shall be deemed to be adulterated—

"(a) If, when sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, or supplements thereto, it differs from the standard of strength, identity, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided,* That no drug defined in the United States Pharmacopoeia or National Formulary, or supplements thereto, shall be deemed to be adulterated under this provision if the standard of strength, identity, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that laid down in the United States Pharmacopoeia or National Formulary;

"(b) If its strength, identity, or purity differs from the professed standard or quality under which it is sold.

"ADULTERATED COSMETICS

"SEC. 8. A cosmetic shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substances in such quantity as may render it injurious to the user under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

"MISBRANDED FOOD

"SEC. 9. A food shall be deemed to be misbranded—

"(a) (1) If its labeling is false or misleading in any particular;

"(b) If its container is so made, formed, or filled, as to mislead the purchaser. In construing and applying this paragraph, as to the fill of a container, reasonable variations and tolerances shall be permitted, which allow for subsequent shrinkage or expansion of the food and for discrepancies due to a natural or other cause beyond reasonable control in good commercial practice;

"(c) If is is offered for sale under the name of another food;

"(d) If it bear a copy, counterfeit, or colorable imitation of the trade mark, label, or identifying name or device of another person;

"(e) If it is an imitation of another food, except that no imitation shall be deemed to be misbranded under this paragraph if its label bears the word 'imitation' in juxtaposition with, and in type of, the same size and prominence as the name of the food imitated;

"(f) If in package form, and it fails to bear a label plainly and correctly stating (1) the name and address of the manufacturer, packer, distributor, or seller; and (2) the quantity of the contents in terms of weight, measure, or numerical count. In construing and applying subdivision (2) of this paragraph reasonable variations and tolerances shall be permitted, which allow for discrepancies due to a natural or other cause beyond reasonable control in good commercial practice; and reasonable exemption of small packages shall be made;

"(g) (1) If it is a food for which the Secretary has prescribed a minimum standard of identity, quality, and/or fill, under this subdivision, and it falls below such standard, unless its label plainly indicates that fact. The Secretary is hereby authorized to prescribe one minimum standard of identity, quality, and/or fill for each generic class of food, which is reasonable in character and necessary for the purposes of this Act, as and to the extent hereinafter defined: *Provided,* That nothing in this subdivision shall be construed or applied to prevent or restrict commerce in any proprietary food sold in compliance with the other provisions of this Act: *Provided further,* That in prescribing such standard the Secretary shall follow good commercial practice, if and to the extent he can do so consistently with the public interest;

"(2) Whenever the Secretary shall determine upon such a minimum standard he shall first submit it to a public hearing, held not less than thirty days after the date of published notice thereof. If, after such hearing, the Secretary shall conclude that the standard should be prescribed by him under this subdivision he shall promulgate the standard accordingly. The standard so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after the date of promulgation. Any such promulgated standard may be amended or repealed, by the same procedure;

"(h) If it is for a special dietary or nutritional use and its label does not contain a plain and correct informative statement which is adequate in the circumstances;

"(i) A food put up at one establishment and labeled at another shall be exempt from the labeling requirements of this Act while in transit from the former to the latter establishment.

"GENERAL—MISBRANDED DRUGS AND COSMETICS

"SEC. 10. A drug or cosmetic shall be deemed to be misbranded—

"(a) If it fails to bear a label containing a statement of the name and address of the manufacturer, packer, seller, or distributor;

"(b) If it bear a copy, counterfeit, or colorable imitation of the trade-mark, label, or identifying name or device of another person;

"(c) If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package;

"(d) If it is dangerous to health under the conditions of use prescribed in the labeling thereof;

"(e) If its labeling is false or misleading in any particular;

"(f) A drug or cosmetic put up at one establishment and labeled at another shall be exempt from the labeling requirements of this Act while in transit from the former to the latter establishment.

"MISBRANDED DRUGS

"SEC. 11. A drug shall be deemed to be misbranded—

"(a) If it is offered for sale under the name of another drug;

"(b) If it is an imitation of another drug;

"(c) If its labeling fails to state plainly and conspicuously complete and explicit directions for use, except, however, in the case of a drug advertised only to physicians, veterinarians, dentists, and pharmacists when such statement would involve danger to health;

"(d) If it is for internal use by man and contains any quantity of any of the following narcotic or hypnotic substances: Alpha eucaine, barbituric acid compounds, beta eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any narcotic or hypnotic substance chemically derived therefrom, and its label fails to bear the name and quantity or proprtion of such substance or derivative in juxtaposition with the statement, 'Warning—May be habit forming';

"(e) If it contains any quantity of (1) any of the stimulant-depressant substances, ethyl alcohol, ethyl ether, chloroform or isopropyl alcohol; or (2) any of the sedative substances, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, bromides, hyoscine, or hyoscyamine; or (3) any of the cumulative substances: arsenic, digitalis glucosides, mercury, ouabain, strophanthin, or strychnine; or (4) any chemical compond of any substance named above possessing stimulant-depressant, sedative, or cumulative properties; and its label fails to bear a statement of the name and quantity or proportion of such substance;

"(f) If it is a drug liable to deterioration and its label fails to bear an appropriate precautionary statement;

"(g) If its labeling shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or misleading.

"FALSE ADVERTISEMENTS—FOODS, DRUGS, AND COSMETICS

"SEC. 12. An advertisement of a food, drug, or cosmetic shall be deemed to be false if it is false or misleading in any particular relative to the purposes of this Act regarding such food, drug, or cosmetic.

"REGULATIONS

"SEC. 13. The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations, which shall be printed and published, for carrying out the provisions of this Act, including the collection and examination of specimens of food, drugs, or cosmetics manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

"EXAMINATION OF SPECIMENS

"Sec. 14. The examinations of specimens of foods, drugs, and cosmetics and the advertisements thereof shall be made in the Food and Drug Administration of the Department of Agriculture, or under the direction and supervision of such Administration, for the purpose of determining from such examinations whether such articles are adulterated, or misbranded, or falsely advertised within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated, or misbranded, or falsely advertised within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the manufacturer or distributor thereof, if known, and if not known, then to the party from whom such sample was obtained, which said notice shall state such violation in sufficient detail to indicate specifically the nature of the offense charged. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, or, in the case of false advertisements, to the Federal Trade Commission, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, or of the Federal Trade Commission, as the case may be, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"DUTY OF DISTRICT ATTORNEY

"Sec. 15. It shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"EXEMPTION OF DEALERS

"Sec. 16. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

"SEIZURE AND INJUNCTION

"Sec. 17. (a) Any article of food, drug, or cosmetic that is adulterated or misbranded within the meaning of this Act and is being transported from one State, Territory, District or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia, or the territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any District Court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation: *Provided, however,* That not more than one seizure action shall be instituted under this paragraph against any article of food, drug, or cosmetic if (1) the alleged violation is one of misbranding or labeling only; (2) all current shipments of the article alleged to be misbranded bear the same labeling; and (3) such misbranding has not been the basis of a prior judgment in favor of the United States in any criminal prosecution or libel for condemnation proceeding under this Act; *And provided further,* That said single seizure action shall be instituted in, or removed for trial to, a district of reasonable proximity to the residence of the manufacturer, distributor or claimant of the article seized.

"(b) Any article of food, drug or cosmetic condemned as being adulterated or misbranded, within the meaning of this Act, shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may, by order, direct that such article be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of, and in the name of, the United States.

"(c) The court shall, by order, at any time before trial, allow any party to a condemnation proceeding, to obtain a representative sample of the article seized.

"(d) In the event any article of food, drug, or cosmetic, seized pursuant to the provisions of subsection (a) of this section, is condemned as being adulterated or misbranded within the meaning of this Act; or if no claimant appear for such article of food, drug, or cosmetic so seized; or if, having appeared, such claimant defaults, and default and judgment as of condemnation be thereupon entered, then, and in any such event, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain by injunction the shipment in interstate commerce of such article of food, drug, or cosmetic when so adulterated or misbranded.

"(e) Upon a showing satisfactory to the court that the labeling of any article of food, drug, or cosmetic seized pursuant to the provisions of subsection (a) of this section is false or deceptive in manner or degree to render such article imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain by temporary injunction, pending the final adjudication of the libel for condemnation, the shipment in interstate commerce of such article of food, drug, or cosmetic when so labeled; provided that no injunction shall be granted under this paragraph except on motion and after notice to the manufacturer, distributor, or claimant of such article.

"(f) Upon a showing satisfactory to the court that the labeling of any article of food, drug, or cosmetic seized pursuant to the provisions of subsection (a) of this section is false or deceptive in manner or degree to render such article imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with the further jurisdiction to order the seizure or impounding of such article when so labeled pending the final adjudication of the single seizure action authorized in subsection (a), when such article, having been transported from one State, Territory, District, or insular possession to another for sale, remains unloaded, unsold, or in original unbroken packages: *Provided,* That no order shall be granted under this paragraph except on motion and after notice to the manufacturer, distributor, or claimant of such article.

"REPETITIOUS VIOLATIONS

"Sec. 18. The repetitious introduction into interstate commerce of any adulterated or misbranded food, drug, or cosmetic, or the repetitious dissemination of false advertisements, within the meaning and purposes of this Act, are hereby declared to be unfair methods of competition in commerce within the meaning of an Act of Congress approved September 26, 1914, entitled 'An Act to create a Federal Trade Commission, to define its power and duties, and for other purposes.'

"INSPECTION

"Sec. 19. (a) If it cannot be determined by an examination of a food, drug, or cosmetic, after it has entered commerce, whether it is adulterated or misbranded within the meaning of this Act;

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and if an officer or employee of the Department duly designated by the Secretary for the purpose, is refused permission to enter and inspect any factory or establishment where such article is manufactured, processed, or packed, and all equipment, finished and unfinished materials, containers and labels there used or stored, to the extent deemed necessary to determine whether it is adulterated or misbranded within the meaning of this Act; then the Secretary is authorized to apply to the District Courts of the United States or to the Supreme Court of the District of Columbia, in the district wherein such manufacture, processing, or packing is done, for an order effective to secure such inspection. Said courts are hereby vested with jurisdiction in the premises. Any order issued hereunder shall duly provide against disclosure of any secret method, process, or formula.

"(b) Any carrier transporting a food, drug, or cosmetic in commerce, and any person receiving a food, drug, or cosmetic in commerce or from shipment in commerce, which article is subject to investigation under this Act, shall inform the Secretary or his representative duly designated for the purpose, of the record of such transportation or receipt, upon his written request for such information. It shall be unlawful for any carrier or person to refuse or fail to give such information, upon such request therefor: *Provided,* That evidence obtained under this paragraph shall not be used in any criminal proceeding under this Act against the person from whom it was obtained. Any carrier or person willfully violating this paragraph shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than $500 for each violation.

"(c) The Secretary of Agriculture, upon application of any packer of any sea food sold in interstate commerce, may at his discretion designate supervisory inspectors to examine and inspect all premises, equipment, methods, materials, containers, and labels used by such applicants in the production of such food. If the food is found to conform to the requirements of this Act, the applicant shall be authorized, in accordance with regulations prescribed by the Secretary of Agriculture, to mark the food so as to indicate such conformity. Services to any applicant under this section shall be rendered only upon payment of fees to be fixed by regulations of the Secretary of Agriculture in such amount as to cover the cost of the supervisory inspection and examination, together with the reasonable costs of administration incurred by the Secretary of Agriculture in carrying out this section. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than $1,000 nor more than $5,000, or both such imprisonment and fine.

"(d) Any person who uses to his own advantage or reveals, other than to the Secretary or his officers or employees, or to the courts when relevant in the trial of any case under this Act, any information acquired under authority of this section concerning any secret method, process or formula, shall be guilty of a felony, and shall, on conviction thereof, be subject to imprisonment for not more than two years or a fine of not more than $5,000, or both such imprisonment and fine.

"IMPORTS

"Sec. 20. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods, drugs and cosmetics which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food, drug, or cosmetic offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods, for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further,* That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importations made by such owner or consignee.

"CONSTRUCTION

"Sec. 21. (a) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by, any individual, corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"(b) Whenever a corporation, company, society, or association violates any of the provisions of this Act, such violation shall also be deemed to be a violation of the individual directors, members, officers, or agents of such corporation, company, society, or association who personally ordered, or did, any of the acts constituting, in whole or in part, such violation.

"(c) When construing and enforcing the provisions of this Act with respect to labeling and advertisements, the term 'antiseptic' shall be deemed to have the same meaning as the word 'germicide', except, however, in the case of a drug purporting to be, or represented as, an inhibitory antiseptic for use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

"(d) When construing and enforcing the provisions of this Act with respect to labeling and advertisements, any representation regarding the value or effect of a food, drug, or cosmetic shall be deemed to be false if such representation is not supported by demonstrable scientific facts or by substantial medical or scientific opinion.

"(e) When construing and enforcing the provisions of this Act reasonable allowances, consistent with the purposes of the Act, shall be made for (1) abnormal individual reactions to foods, drugs, and cosmetics, and (2) harmless trade claims recognized by and under the common law.

"(f) Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel, injunction, or Federal Trade Commission proceedings minor violations of this Act wherever he believes the purposes of the Act can be accomplished by suitable notices, warnings, or stipulations.

"SEPARABILITY CLAUSE

"Sec. 22. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act, and the applicability thereof to other persons and circumstances, shall not be affected thereby.

"EFFECTIVE DATE AND REPEALS

"Sec. 23. This Act shall take effect January 1, 1936. All provisions of the Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., title 21, secs. 1-15), not herein reenacted, are hereby repealed effective upon such date: *Provided,* That the Act of March 4, 1923 (U. S. C., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and providing a standard therefor; and the Act of July 24, 1919 (U. S. C., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form shall remain in force and effect and be applicable to the provisions of this Act. This Act shall not be held to modify or repeal any of the existing laws of the United States except as provided in this section."

FIVE STATE COMMITTEES FORMED

Completing the first leg of a nationwide trip for the purpose of organizing state NAB Committees, Managing Director Loucks returned to Washington this week where he will spend a few days before resuming organization activities. Just as soon as accumulated work and correspondence can be cleared away, the Managing Director will embark upon the second leg of the trip.

WHEELEHAN LOUISIANA CHAIRMAN

Harold Wheelehan, WSMB, New Orleans, was elected chairman of the Louisiana NAB Committee and John C. McCormack, KTBS, Shreveport, vice chairman. The meeting was held at Hotel Roosevelt, New Orleans, on Tuesday, January 15. The Committee discussed state legislation, copyright, telephone line charges, and other industry matters. Those present in addition to Wheelehan and McCormack were: Joseph H. Uhalt and P. K. Ewing, WDSU; Capt. A. C. Pritchard and Al. Foster, WWL; Dwight Northup, KWKH; J. C. Liner, KMLB; and Managing Director Loucks.

ALABAMA COMMITTEE MEETS

The Alabama NAB Committee held a meeting at the studios of WAPI, Birmingham, Ala., Friday, January 17. Gordon Persons, chairman of the Committee, presided. State legislation pending in the state legislature and other general industry matters were discussed during the session. Those present were: Chairman Persons, Campbell, WSGN; Hopson, WAPI; Smith, WBRC; Cisler, WJBY; and Managing Director Loucks.

TENNESSEE COMMITTEE ORGANIZED

Harry Stone, WSM, Nashville, was elected chairman of the Tennessee NAB Committee at a meeting held at Hotel Andrew Jackson, Nashville, Tenn., on January 19. Harry Slavick, WMC, Memphis, was named vice chairman. Discussion of state legislation, copyright, and other problems common to state broadcasters occupied most of the time devoted to the meeting. In addition to Stone, those present were: President Ward, WLAC, Nashville; Draughon, WSIX, Springfield; Wooten, WREC, Memphis; Wilson, WOPI, Bristol; Saumenig, WNOX; and Managing Director Loucks.

KENTUCKY GROUP FORMS COMMITTEE

L. B. Wilson, WCKY, Covington, was named chairman and Credo F. Harris, WHAS, Louisville, was named co-chairman of the Kentucky NAB Committee at a meeting held at the Brown Hotel, Louisville, January 21. The session was devoted to a discussion of national and state broadcasting problems. Those present were: Harris, WHAS, Louisville; Eaton, WHAS, Louisville; Coulson, WHAS, Louisville; Pierce E. Lackey, WPAD, Paducah; W. Prewitt Lackey, WPAD, Paducah; Lord, WAVE; Clark, WLAP, Lexington; and Managing Director Loucks.

FCC HIGH FIDELITY STANDARDS

The Engineering Department of the Federal Communications Commission has adopted a set of tentative standards for reference use when considering high-fidelity transmitting plants. The informal standards, which have not been proposed as a regulation until more experience has been gained, are as follows:

Audio distortion: The total audio frequency distortion from microphone terminals (including microphone amplifier) to antenna output shall not exceed 5 per cent rms. harmonic content when modulating from 0 to 85 per cent, and not more 10 per cent rms. harmonic content when modulating 95 per cent. The distortion is to be measured with modulating frequencies of 50, 400, 100, 5000, and 7500 cycles.

Frequency range: The audio frequency transmitting characteristic of the equipment from the microphone terminals to the audio component of the rectified antenna current shall not depart more than 2 decibels from that at 1000 cycles between 50 and 7500 cycles. The transmitter should be equipped in the last audio stage or as near thereto as practicable with two band-pass filters, one to cut off at 5500 cycles and the other at 8500 cycles respectively to 40 decibels below normal level. These filters shall be used as follows: The 8500-cycle cut-off filter at all times, and the 5500-cycle cut-off filter when the program transmission is such that no desired signal above 5000 cycles reaches the transmitter. The frequency characteristics should be measured with the filters in place.

Noise level: The carrier hum and extraneous noise level (exclusive of microphone noises) should be at least 60 decibels below 100 per cent modulation in the frequency band between 150 and 5000 cycles, and at least 40 decibels down outside this range.

Volume range: The volume range from carrier noise and main studio extraneous sounds to 100 per cent modulation shall be 60 decibels.

Modulation meter: A modulation meter should be provided for visually indicating from 110 per cent modulation to 40 per cent, or less, and should indicate also on the same scale in decibels above and below 100 per cent modulation. The accuracy of this instrument should be within 2 per cent. A peak indicating device should be provided for operation from 75 to 100 per cent modulation, or over a greater range so that peaks above any set value will be indicated and will be capable of being recorded if desired. The amplitude indicator should be high speed and highly damped, having a natural period of not greater than 0.1 second.

QUOTA FACILITIES AS OF JANUARY 8, 1935

First Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Conn.	2.13	1.90	— 0.23	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	— 10
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.33	— 0.29	— 47
N. J.	5.36	4.085	— 1.275	— 24
N. Y.	16.69	18.13	+ 1.44	+ 8
R. I.	0.91	0.80	— 0.11	— 12
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.205	— 1.795	— 5

First Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Conn.	3.85	3.34	— 0.51	— 13
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	1.00	— 0.16	— 14
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	3.80	— 0.11	— 3
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	4.985	— 4.685	— 48
N. Y.	30.14	20.56	— 9.58	— 32
R. I.	1.65	0.80	— 0.85	— 52
Vt.	0.86	0.86	— 0.0	— 0
Total	65.00	44.645	—20.355	— 31

Second Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.88	+ 1.30	+ 15
Penna.	12.43	12.42	— 0.01	— 0
Va.	3.13	4.75	+ 1.62	+ 52
W. Va.	2.23	1.93	— 0.30	— 13
Total	36.00	37.98	+ 1.98	+ 6

Second Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.28	— 5.00	— 44
Ohio	15.50	12.06	— 3.44	— 22
Penna.	22.45	14.75	— 7.70	— 34
Va.	5.64	6.34	+ 0.70	+ 12
W. Va.	4.03	3.90	— 0.13	— 3
Total	65.00	47.58	—17.42	— 27

Third Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ala.	3.32	2.745	— 0.575	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.21	+ 0.57	+ 16
La.	2.63	5.10	+ 2.47	+ 94
Miss.	2.52	0.99	— 1.53	— 61
N. Cor.	3.97	4.28	+ 0.31	+ 8
Okla.	3.00	3.36	+ 0.36	+ 12
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.09	+ 3.79	+ 52
Total	36.00	45.445	+ 9.445	+ 26

Third Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ala.	5.99	4.685	— 1.305	— 22
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	4.85	+ 1.53	+ 46
Ga.	6.58	4.95	— 1.63	— 25
La.	4.75	5.40	+ 0.65	+ 14
Miss.	4.55	2.11	— 2.44	— 54
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	4.90	— 0.52	— 10
S. Car.	3.93	2.60	— 1.33	— 34
Tenn.	5.92	7.35	+ 1.43	+ 24
Texas	13.18	13.61	+ 0.43	+ 3
Total	65.00	60.055	— 4.945	— 8

Fourth Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ill.	10.14	11.06	+ 0.92	+ 9
Ind.	4.30	3.42	— 0.88	— 20
Iowa	3.28	5.22	+ 1.94	+ 59
Kans.	2.50	2.49	— 0.01	0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.04	+ 0.22	+ 5
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	1.40	+ 0.50	+ 56
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.05	— 0.85	— 22
Total	36.00	38.93	+ 2.93	+ 8

Fourth Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ill.	18.30	14.94	— 3.36	— 18
Ind.	7.77	5.52	— 2.25	— 29
Iowa	5.93	7.86	+ 1.93	+ 33
Kans.	4.51	3.32	— 1.19	— 26
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	8.49	— 0.21	— 2
Nebr.	3.30	5.92	+ 2.62	+ 79
N. Dak.	1.63	2.10	+ 0.47	+ 29
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	5.86	— 1.19	— 17
Total	65.00	61.91	— 3.09	— 5

Fifth Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ariz.	1.32	1.17	— 0.15	— 11
Calif.	17.18	18.82	+ 1.64	+ 10
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	1.75	+ 0.12	+ 7
Nev.	0.27	0.35	+ 0.08	+ 30
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.04	+ 1.15	+ 39
Utah	1.54	3.30	+ 1.76	+114
Wash.	4.73	7.28	+ 2.55	+ 54
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	44.35	+ 8.35	+ 23

Fifth Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percentage Over or Under*
Ariz.	2.38	1.79	— 0.59	— 25
Calif.	31.02	22.32	— 8.70	— 28
Colo.	5.66	5.08	— 0.58	— 10
Idaho	2.43	2.05	— 0.38	— 16
Mont.	2.94	2.55	— 0.39	— 13
Nev.	0.49	0.35	— 0.14	— 29
N. Mex.	2.31	2.90	+ 0.59	+ 26
Ore.	5.21	6.09	+ 0.88	+ 17
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	8.74	+ 0.20	+ 2
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	55.57	— 9.43	— 15

INFORMATION WANTED

An NAB member wishes information concerning the address of Mr. Gordon Hyam, a radio personality known as "Bob White, the Old Lamplighter." Anyone having this information is requested to inform NAB headquarters.

COMMUNICATIONS COMMISSION APPROPRIATIONS

The Senate has passed the Independent Office appropriation bill which contains the appropriation for the Federal Communications Commission for the next fiscal year amounting to $1,500,000. There was no discussion at all in connection with this sum. The House has already passed the bill so that effective July 1 next the Commission will have this amount to work with.

The House also has passed a deficiency appropriation bill which contains an appropriation of $480,000 for the Commission for the present fiscal year ending June 30. While the activities of the Commission have been very materially increased under the change from the old Radio Commission Congress had not appropriated any additional money for its use, therefore the need for the deficiency.

ACCOUNTING FORMS IN PREPARATION

Special forms, designed for use with the system of accounts sent recently to stations, are now in process of preparation and will be mailed to NAB members as soon as they become available. It is suggested that all questions regarding forms to be used with the uniform accounting system be held until these have been received and examined.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Avocalon Mining Syndicate, Toronto, Canada (2-1251, Form A-1)
Seneca Plumas Gold Mining Company, Reno, Nev. (2-1252, Form A-1)
Protective Committee for Lord's Court Bldg., New York City (2-1253, Form D-1).
Whippoorwill Realty Company, Inc., New York City (2-1254, Form E-1)
Protective Committee for Eleventh & Baltimore Corp, Kansas City, Mo. (2-1255, Form D-1)
Viking Oil Company, Los Angeles, Cal. (2-1256, Form A-1)
Pinellas Water Company, St. Petersburg, Fla. (2-1257, Form A-1)
Riverside Drive—82nd. St. Corp., New York City (2-1259, Form E-1)

EXAMINER REPORTS ON PENNSYLVANIA STATIONS

Broadcasting Station WBAX, Wilkes-Barre, Pa., operating with 100 watts specified hours on a frequency of 1210 kilocycles asked the Federal Communications Commission for full time operation with 250 watts power until local sunset. It shares time with Station WKOK, Sunbury, Pa., also using 100 watts power. This station also asked full time.

Ralph L. Walker (E.) in his Report No. 1-18 this week recommends that the application of WBAX and its license renewal be denied and that the application of WKOK be granted including license renewal. The Examiner found that station WBAX "has been unsuccessful from a financial viewpoint in operation as a commercial enterprise, and that it cannot under its present management be successfully operated from that point of view." On the other hand, he found that, concerning WKOK, "it appears that this station is well managed."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 28, 1935

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Renewal of license; **1200 kc.**, 100 watts, specified hours.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Assignment of license to Voice of Southwestern Pennsylvania, Inc.; **1200 kc.**, 100 watts, specified hours.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—C. P. to move transmitter to near Elco, Pa.; **1200 kc.**, 100 watts, specified hours.

Wednesday, January 30, 1935

NEW—Utah Radio Educational Society, Salt Lake, Utah.—C. P., **1450 kc.**, 1 KW, unlimited time.

NEW—Louis H. Callister, Provo, Utah.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—Paul Q. Callister, Salt Lake City, Utah.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Provo, Utah.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—Munn Q. Cannon, Logan, Utah.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—Jack Powers, Frank C. Carman, David G. Smith, and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WHN—Marcus Loew Booking Agency, New York, N. Y.—Con-
1010 struction permit to make equipment changes and increase day power from 1 KW to 5 KW.

WICC—Southern Connecticut Broadcasting Corporation, Bridge-
600 port, Conn.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW night and day.

WJAR—The Outlet Co., Providence, R. I.—Construction permit
890 to make equipment changes and move transmitter from Outlet Co. Bldg., 176 Weybosse St., Providence, R. I., to junction Newport Ave. and Ferris Ave. (Rumford), East Providence, R. I.

WESG—Cornell University, Ithaca, N. Y.—Modification of license
850 to change frequency from **1040 kc.** to **850 kc.**

WTBO—Associated Broadcasting Corporation, Cumberland, Md.—
800 Transfer of control of Corporation from Herbert Lee Blye; 74 shares to Frank V. Becker, 75 shares to Roger W. Clipp.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Special ex-
1280 perimental authorization to make equipment changes, operate on **1280 kc.**, 1 KW power, unlimited time, using directional antenna, period ending 4-1-35.

WLWL—Missionary Society of St. Paul the Apostle, New York,
810 N. Y.—Modification of license to increase time from specified hours to unlimited and change frequency from **1100 kc.** to **810 kc.**, facilities of WNYC, amended also request facilities of WCCO.

WKEM—American Radio News Corp., Portable and Mobile, initial location 235 E. 45th St., New York, N. Y.—Modification of license to change name to "Hearst Radio, Inc."

NEW—Clarence Wheeler, Rochester, N. Y.—Construction permit
1210 to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power, daytime, amended to request change in hours of operation from 100 watts to 250 watts.

WCAO—The Monumental Radio Co., Baltimore, Md.—Construc-
600 tion permit to make changes in antenna equipment and increase power from 500 watts, 1 KW LS, to 1 KW.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport,
600 Conn.—License to cover construction permit (1-P-B-3300) to install new equipment and increase power.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—License to
620 cover construction permit (B1-P-41) to increase power and make changes in equipment.

WOCL—A. E. Newton, Jamestown, N. Y.—Voluntary assignment
1210 of license to Edward J. Doyle.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Extension of special experimental authorization to use additional 250 watts power night from 3-1-35 to 9-1-35.

Second Zone

WMBG—Havens and Martin, Inc., Richmond, Va.—Construction
1350 permit to change frequency from **1210 kc.** to **1350 kc**; install new equipment; increase power from 100 watts (construction permit for 100 watts night, 250 watts day) to 500 watts; and change location of transmitter from 914 W. Broad St., Richmond, Va., to intersection of Broad St. Road and Staples Mill Rd., near Richmond, Va. (Consideration under Rule 6 (g).)

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of
700 special experimental authorization to use power of 500 watts, using transmitter of W8XO, for period ending 8-1-35.

WPHR—WLBG, Inc., Petersburg, Va.—Modification of construc-
880 tion permit authorizing for transmitter location northeast corner Franklin and Adams St., Petersburg, Va., and extending commencement and completion dates; amended: site changed to 1½ miles northeast of Petersburg, Va.

NEW—P. A. McBride, Ironton, Ohio.—Construction permit to erect
1500 a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited.

WLEU—Leo J. Omelian, Erie, Pa.—Modification of construction
1420 permit authorizing construction of new station to be operated on **1420 kc.**, 100 watts, 250 watts daytime, unlimited, to request further change in equipment.

WADC—Allen T. Simmons, Akron, Ohio.—License to cover con-
1320 struction permit (2-P-B-3295) as modified to install new equipment, increase power from 1 KW to 1 KW, 2½ KW daytime.

W8XCQ—A. M. Rowe, Inc., Portable-Mobile.—License to cover construction permit for **31100, 34600, 37600, 40600 kc.**, 10 watts. General experimental.

Third Zone

WMC—Memphis Commercial Appeal, Memphis, Tenn.—Authority
780 to determine operating power by direct measurement of antenna.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit authorizing changes in equipment and increase in power from 100 watts to 100 watts, 250 watts day, to request extension of completion date from 10-10-34 to 2-15-35.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birming-
1310 ham, Ala.—License to cover construction permit (3-P-B-3034) as modified to increase daytime power and make equipment changes.

WTAW—Agricultural and Mechanical College of Texas, College
1120 Station, Tex.—Modification of license to change specified hours (no increase).

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts day, and change hours of operation from daytime and specified hours Sunday to daytime only.

WDAE—Tampa Times Company, Tampa, Fla.—Modification of
1220 special experimental authorization to install new equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, for period ending 4-1-35.

WREC—WREC, Inc., Memphis, Tenn.—Construction permit to
600 increase power from 500 watts night, 1 KW day, to 1 KW, 2½ KW day; make equipment changes; amended: omit request for increase in power.

Harris County Broadcast Co., Houston, Tex.—Construction permit for general experimental relay broadcast station for **9510, 11770, 15150 kc.**, 500 watts.

WREC—WREC, Inc., Memphis, Tenn.—Extension of special ex-
600 perimental authorization to operate with 1 KW, 2½ KW day, from 3-1-35 to 9-1-35.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification
1370 of construction permit authorizing new station on **1370 kc.**, power 100 watts, daytime, to request extension of completion date from 2-11-35 to 4-11-35.

KWKH—International Broadcasting Corp., Shreveport, La.—Ex-
1100 tension of special authorization to operate unlimited time on **1100 kc.**

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
620 burg Chamber of Commerce, Petersburg and Clearwater, Fla.—Extension of special experimental authorization to operate on 1 KW, 5 KW day, for period ending 9-1-35.

NEW—G. L. Burns, Brady, Tex.—Construction permit for new
1500 station on **1500 kc.**, 100 watts, 250 watts day, limited time; amended: requesting **1210 kc.**, 100 watts power, daytime. Studio and transmitter sites to be determined, Brady, Tex.

KWKH—International Broadcasting Corp., Shreveport, La.—
1100 License to cover modification of special authorization to operate unlimited on **1100 kc.**

Fourth Zone

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modifica-
610 tion of construction permit to increase power to 5 KW, make

equipment changes, to extend commencement date to 30 days after grant and completion date to 90 days thereafter; amended: change from modification of construction permit to a construction permit and to omit request for extension of commencement and completion dates.

610 WDAF—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit (4-P-B-3294) to increase power from 1 KW to 1 KW, 2½ KW day, also install new equipment, to further request change in equipment and extend completion date from 10-30-34 to 1-30-35.

610 WDAF—The Kansas City Star Co., Kansas City, Mo.—License to cover construction permit (4-P-B-3294) as modified to install new equipment and increase power.

580 WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Modification of license to use old 1-KW transmitter as auxiliary when licensed for 2½ KW.

1370 WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to change from **1210 kc.** to **1370 kc.**, change hours of operation from share with WTAX to unlimited.

1230 KGBX—KGBX, Inc., Springfield, Mo.—Extension of special experimental authorization for operation on **1230 kc.**, 500 watts, from local sunset to midnight, period ending 6-1-35.

1420 WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Transfer of control of corporation from WLBF Broadcasting Co. to the Kansas City Kansan.

570 WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Modification of construction permit authorizing increase in power, change of equipment, and move of transmitter, to request extension of commencement date to 4-18-35 and completion date to 7-18-35.

1420 WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Construction permit to move transmitter and studio from 905 N. Seventh St. to 901 N. 8th St., Kansas City, Kans., and make equipment changes (antenna).

1200 NEW—Walker Jamar, Duluth, Minn.—Construction permit to erect a new station on **1200 kc.**, 100 watts power, unlimited time.

1320 KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to move transmitter from 715 Locust St., Des Moines, Iowa, to north of Des Moines, Iowa.

1420 NEW—W. B. Greenwald, Hutchinson, Kans.—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

1310 NEW—Robert K. Herbst, Fargo, N. Dak.—Construction permit to erect a new station to be operated on **1310 kc.**, 100 watts power, unlimited time.

1370 NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts power, unlimited time.

1310 NEW—Milwaukee Broadcasting Co., Milwaukee, Wis.—Construction permit for new station on **1310 kc.**, 100 watts power, daytime.

770 WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit to increase power from 25 KW to 50 KW, make equipment changes; amended: change hours of operation from simul-day, shares with KFAB night, to unlimited day and synchronize with KFAB nighttime.

1230 KGBX—KGBX, Inc., Springfield, Mo.—Modification of special experimental authorization for approval of transmitter site Rural (Melville and Bolivar Roads), Springfield, Mo.

Fifth Zone

1370 NEW—LeRoy Haley, Durango, Colo.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts power, unlimited time.

1100 KGDM—E. F. Peffer, Stockton, Calif.—Modification of license to operate on 250 watts from 9 p. m. to 12 p. m., PST; amended: requesting 1 KW power, limited time.

1210 NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Construction permit to erect a new station to be operated on **1210 kc.**, 100 watts power, daytime.

1310 KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of license to change specified hours (no increase).

1340 KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.

1230 KYA—Pacific Broadcasting Corp., San Francisco, Calif.—Construction permit to install new equipment, increase power from 1 KW to 1 KW, 5 KW day.

1310 KIT—Carl E. Haymond, Yakima, Wash.—Modification of construction permit authorizing equipment changes, increase daytime power from 100 to 250 watts, to request further extension of commencement date from 11-10-34 to 1-10-35, and completion date from 2-11-35 to 4-11-35.

1070 KVL—KVL, Inc., Seattle, Wash.—Modification of license to change frequency from **1370 kc.** to **1070 kc.**, hours of operation from shares with KRKO to daytime only.

1370 NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts power, unlimited.

1490 NEW—W. L. Gleason, Sacramento, Calif.—Construction permit for new station to be operated on **1490 kc.**, 5 KW, daytime, as amended.

630 KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license to change frequency from **1240 kc.** to **630 kc.**

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—License for **1550 kc.**, 1,000 watts.

KIFO—Nichols & Warinner, Inc., Portable.—Construction permit for **1566, 2478 kc.**, 200 watts; amended to **1622, 2150 kc.**

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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SENATE DELAYS CONFIRMATIONS

The Senate Committee on Interstate Commerce indefinitely postponed action on confirmation of Commissioners Sykes, Brown, Stewart, Payne, Walker and Case this week after going extensively into the dismissal of former Supervisor Van Nostrand and Inspector George Llewellyn of the Atlanta office.

The investigation into these cases came as a result of charges made before the Committee by Senator Bilbo of Mississippi, who is opposing confirmation of Chairman Sykes because of the part he is alleged to have taken in the Mississippi elections.

Following the investigation by the Committee, the Commission decided to give a hearing to Mr. Llewellyn this week.

Each of the Commissioners was called before the Committee and asked questions bearing upon his qualifications for appointment. Principal attention was given, however, to the Bilbo charges against Sykes and the facts and circumstances surrounding the separation from the service of Mr. Llewellyn and Mr. Van Nostrand.

Ben S. Fisher, former assistant general counsel of the Commission, appeared before the Committee and told of his investigation of the charges against Van Nostrand.

The charges made against Judge Sykes by Senator Bilbo were denied by the Commissioner and it was shown that he was abroad attending the Madrid conference at the time of the Llewellyn dismissal.

The Committee also indicated that it intended to go into the question of license assignments and transfers and indicated that it was interested in the Commission's policy with respect to newspaper ownership of stations and multiple ownership.

Senator Wheeler, chairman of the Committee, took an active part in the questioning of witnesses and the sessions were well attended by members of the Committee.

FCC REGULATES ATTORNEYS

The Federal Communications Commission on January 26 issued the following statement:

"At the hearing of the Senate Interstate Commerce Committee yesterday, January 25, 1935, when the confirmations of the Federal Communications Commissioners were being reviewed, Commissioner George Henry Payne told Senator Wheeler, Chairman of the Committee, and other members, that, inasmuch as there had been criticism of the attorneys practicing before the Commission, he would introduce a resolution preventing such practices.

"At today's meeting Commissioner Payne introduced this resolution and it was unanimously passed.

"The resolution is as follows:

> "'Resolved that when the rules and regulations governing practice and procedure before this Commission are adopted there be included the following paragraphs setting forth the effect of previous connection with this Commission:
>
> "'"(a) No former officer or employee of the Federal Communications Commission shall act as attorney or agent, or as the employee of an attorney or agent, or shall appear as an officer or employee of an individual, partnership, or corporation, in any matter or controversy pending before the Federal Communications Commission during the period of his employment therein within two years after the termination of such employment; provided, however, that the foregoing shall not be construed to prevent appearances as witnesses.
>
> "'"(b) This rule shall not apply to persons who have severed their connections with the Federal Communications Commission prior to 60 days after its effective date."'"

STAY ORDER ISSUED IN WLW CASE

The Court of Appeals for the District of Columbia on January 30 issued a stay order against the Federal Communications Commission preventing the enforcement of the Commission's order requiring Station WLW, Cincinnati, Ohio, to reduce its nighttime power from 500 kilowatts to 50 kilowatts on February 1. The order is to remain in effect until February 11, on which day the court will hear argument on the issues raised by the station's appeal.

On January 25 the Commission made public its decision authorizing WLW to continue operating with 500 kilowatts during daytime hours but dismissed the application "in so far as it requested special temporary experimental authorization to operate nighttime hours." The Commission's decision was based upon the following conclusions:

"(1) That the Commission is without legal authority to grant the application in so far as it requests an extension of the nighttime use, between local sunset and 12 midnight, of 500 kilowatts power;

"(2) That the instant application, in so far as nighttime operation is concerned, involves only a question of law to be determined by application of the Treaties and Agreement now in force;

"(3) That no purpose would be served by conducting a hearing on the application as it is incumbent upon the Commission to deny a part of the authority requested in the application, and this duty could not be altered by any facts which the applicant might attempt to establish at a hearing. That the law does not require the holding of a hearing where, as in the instant case, it would be entirely futile and of no avail whatsoever to applicant.

"(4) That the express condition contained in the authority issued coupled with applicant's acquiescence therein by operating thereunder, especially in view of the notice given on December 21, 1934, reserves to the Commission the authority to dismiss or deny that portion of the application which the Commission is of the opinion cannot be legally granted."

Immediately WLW applied to the Court for a stay order, alleging that the Commission rendered its decision without previously giving the applicant notice of a time and place for hearing; that the Commission had no power under the Communications Act to deprive the applicant of its right to notice and opportunity to be heard; that the Commission acted contrary to law in so far as it proceeded upon the assumption that its decision was required or justified by any provision of the International Telecommunication Convention of Madrid, 1932; that the Commission erred in so far as it proceeded upon the assumption that its decision was required or justified by any provision of the Agreement of May 5, 1932, between the United States and Canada; that the decision was contrary to the public interest, convenience and necessity; that no finding of fact by the Commission is supported by any evidence and the findings are arbitrary and capricious; and that the decision deprives applicant of its property without due process of law.

The notice of appeal states that the Canadian agreement is invalid and contrary to the requirements of Article II, Section 2, of the Constitution of the United States in that it is a treaty, and, although being a treaty, was not made by the President of the United States and was not made by and with the advice and consent of the Senate. The notice of appeal alleges that Station CFRB, Toronto, Canada, the station with which interference is claimed, is not operated by the best methods and procedure and has not been kept abreast of scientific and technical progress and that much of the receiving apparatus in general use in the area surrounding Toronto is obsolete, non-selective, and below modern standards. It is further claimed that the Commission's decision deprives vast areas of the United States of satisfactory broadcast service; it closes the door to scientific and technical progress in the effective use of clear channels; it renders ineffective and virtually useless an expenditure of over $450,000; it discourages all other licensees from making same or similar expenditures, and deprives citizens and corporations licensed by the Commission of any forum where their claims may be heard when the protest of a foreign government is involved.

PROBE CHARGES AGAINST HILL

During hearings on confirmation of Commissioners Sykes, Brown, Stewart, Case, Payne and Walker, before the Senate Committee on Interstate Commerce, reference was made by Senator Bilbo, Mississippi, to the activities of Examiner George Hill during the Mississippi elections. After this, Commissioner Anning S. Prall, the only Commissioner confirmed so far, made the following motion which was unanimously adopted:

"In view of the charges lodged against George Hill, Examiner, by a member of the United States Senate, I move that the Commission immediately investigate the charges made."

Chairman Sykes voted for the motion but excused himself from participating in the investigation.

CLEAR CHANNEL SURVEY BEGINS

During the current week the Federal Communications Commission will mail to approximately 70,000 rural residents of the United States and to 34,000 fourth-class postmasters post cards on which their use of secondary coverage and radio service in general may be described. The mail analysis is on part of the survey of secondary coverage being undertaken by the Commission in cooperation with most of the clear channel licensees.

The post cards bear the following questionnaire: (1) Do you own a radio set?...... Make...... Model No....... Number of tubes...... When purchased...... Is it now in operating condition?...... (2) Name your favorite radio stations by call letters in the order of your preference: (1)...... (2)...... (3)...... (4)...... (3) What is your post-office address?...... County ...... State......

Space is reserved for comments on radio broadcasting in general.

The analysis of the mail response is expected to furnish considerable information concerning the actual use made of clear channel and other signals. The analysis will probably require several months.

The remainder of the clear channel survey program is soon to begin operation. Contributions from clear channel and other licensees sufficient to operate 58 fixed field intensity recorders have been received, and delivery of the apparatus has commenced. The actual operation of the measurement program will begin as rapidly as delivery of apparatus permits.

Field intensity recorders will be maintained in Boston, New York, Washington, Atlanta, Dallas, Chicago, Grand Island, Salt Lake City, Los Angeles, Seattle, and Portland, for an initial period of about three months.

LEGISLATIVE ACTIVITIES

No new legislation directly affecting broadcasting has been introduced in either House of the Federal Congress during the past week. There has, however, been a considerable crop of state legislation.

California Assembly Bills 1281 and 1282, introduced by Representative Williamson, both prohibit the false advertising of foods and drugs, and specify radio as one of the media involved. In view of pending Federal legislation on this subject, the possibility of serious confusion between Federal and State laws is apparent.

California Assembly Bill 344, introduced by Representative Voight, provides for the construction of two radio broadcasting stations and the maintenance and operation thereof by the University of California, and makes an appropriation for such purposes.

Missouri Senate Bill 33, introduced by Senator Shotwell, establishes a sales tax which includes a tax on all advertising.

Oregon House Bills 147 and 148, introduced by Representative Harrison, prohibit the advertising of alcoholic beverages and cigarettes in any form. House Bill 147 specifically prohibits the advertising of cigarettes over the radio in the State of Oregon.

North Dakota House Resolution E, introduced by Representatives Schauss and Parkinson, declares that there is a demand and necessity for a State-owned and operated broadcasting station. Under the terms of this resolution a Committee has been appointed to investigate the subject, this Committee to report at some subsequent date.

Tennessee Senate Bill 168, introduced by Senators Graves and Atchley, levies a tax of 1 per cent on the gross receipts of all businesses and professions. This bill has had its second reading in the House, where it appears as House Bill 265, introduced by Representatives Cross and George.

Texas House Bill 200, introduced by Representative Colquitt, amends the existing State laws with regard to political advertising. The text of this bill has not yet been received.

Washington Senate Bill 8, introduced by Senator Miller, provides a series of graduated license fees for various occupations and services, including advertising agencies.

BUSINESS INDEX SAMPLE EXPANDED

Beginning with the January report, the sample of stations contributing to the NAB reports on broadcast advertising volume will be increased to include all NAB members.

The December report, to be published next week, marks the close of the first calendar year for which detailed figures regarding non-network as well as network advertising have been available to broadcasters and advertisers. Widespread interest has been shown by both advertisers and agencies in the NAB broadcast advertising reports and the Association is receiving a constantly increasing number of inquiries for this information.

The number of stations contributing information for the NAB broadcast advertising index reached a new high level in December. Stations are urged to see to it that their reports are received at the NAB office not later than the 20th of the month following the one for which the report provides information. If this practice is followed consistently by all stations it will be possible to publish the NAB advertising reports ten days earlier than is now done, and to increase their promotional value accordingly.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Federal Securities Commission under the Securities Act:

La Grange Placer Mines, Ltd., Weaverville, Calif. (2-1260, Form A-1)
Pittock Block, Inc., Portland, Ore. (2-1262, Form D-1A)
Pittock Block, Inc., Portland, Ore. (2-1263, Form E-1)
Lyons-Mid Continent Corporation, New York City. (2-1264, Form C-1)
The Old Maryland Rye Distilling Co., Inc., Laurel, Md. (2-1265, Form A-1)
Peacock Special Machine & Drilling Co., Paola, Kans. (2-1266, Form A-1)

REPORT ON WBNX APPLICATION

Broadcasting Station WBNX, New York City, applied to the Federal Communications Commission for special experimental authorization for a license to cover construction permit and for license renewal. Ralph L. Walker (e), in Report No. I-19, recommended that the application for license renewal and license to cover construction permit be granted but that the application for special experimental authorization be denied.

The station has been licensed on a regular basis using 1350 kilocycles, 250 watts power, sharing time with WAWZ. The Federal Radio Commission in December, 1933, issued a construction permit authorizing the installation of a new transmitter and a local move of the studio. Subsequently complaints about the station's programs were received. The station also filed an application for special experimental authorization to use 500 watts power.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, February 5, 1935

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of C. P., **1370 kc.**, 100 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, daytime.

Wednesday, February 6, 1935

NEW—David H. Cannon, Pasadena, Calif.—C. P., **1480 kc.**, 100 watts, daytime.

Thursday, February 7, 1935

NEW—Herbert H. Fette, Meriden, Minn.—C. P., **1310 kc.**, 100 watts, daytime.

NEW—Edward Hoffman, St. Paul, Minn.—C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P., **1310 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

NEW—The Ashland Broadcasting Co., Ashland, Ky.—Granted
1310 C. P. for new station, **1310 kc.**, 100 watts, unlimited time.

WHBD—The Vee Bee Corp., Mount Orab, Ohio.—Granted C. P.
1370 to make changes in equipment and move transmitter and studio from Mount Orab to Portsmouth, Ohio (site to be determined, subject to approval of Commission).

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted
920 C. P. to install new equipment; move transmitter to site to be determined by Commission; increase day power from 1 KW to 5 KW; **920 kc.**, 1 KW night, unlimited time.

NEW—James R. Doss, Jr., Decatur, Ala.—Granted C. P. for new
1370 station, **1370 kc.**, 100 watts, daytime.

KGVO—Moxby's, Inc., Missoula, Mont.—Granted C. P. to install
1260 new equipment; move transmitter locally; change frequency from **1200 kc.** to **1260 kc.**; increase power from 100 watts to 1 KW.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted modi-
860 fication of license to increase daytime power from 500 watts to 1 KW.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted
610 modification of C. P. to make changes in equipment and extend completion date to January 30, 1935. Also granted license to cover C. P., **610 kc.**, 1 KW night, 2½ KW day, unlimited.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted
580 license to cover C. P., **580 kc.**, 1 KW night, 2½ KW day, share with KSAC.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted
580 C. P. to increase day power from 2½ KW to 5 KW.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—
590 Granted C. P. to move transmitter to site to be determined subject to approval of Commission, make changes in equipment, and increase day power from 2½ KW to 5 KW day. Application to increase night power to 5 KW was set for hearing.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted
610 C. P. to increase day power from 1 KW to 5 KW and make changes in equipment. Application to increase night power set for hearing.

KFRU—KFRU, Inc., Columbia, Mo.—Granted modification of
630 license to increase day power from 500 watts to 1 KW.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted ex-
1400 tension of special experimental authority to operate with additional 250 watts nighttime for period beginning January 25, 1935, and ending not later than March 26, 1935.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted
610 special experimental authorization to increase power from 500 watts to 1 KW for period of three months.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted ex-
770 tension of special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln to midnight, CST.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted ex-
770 tension of special experimental authorization to operate synchronously with station KFAB, from LS at KFAB to midnight, for period not to exceed August 1, 1935.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—
710 Granted renewal of license for a period of 3 months; **710 kc.**, 500 watts, limited time.

WWL—Loyola University, New Orleans, La.—Granted extension
850 of special experimental authorization to operate unlimited time on frequency **850 kc.**, 10 KW power, for period February 1 to August 1, 1935.

KWKH—International Broadcasting Corp., Shreveport, La.—
1100 Granted extension of special experimental authorization to operate on **1100 kc.**, 10 KW, daytime, with conventional nondirectional antenna, and at night with directional antenna, for period ending August 1, 1935.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted
1180 special authority to operate from 7:15 p. m., EST, January 30, 1935, to 1 a. m., EST, January 31, 1935, in order to broadcast Birthday Ball for President.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Granted modification of C. P., giving exact transmitter site (¼ mile north on County Road on Snelling Ave., Rose Township, Minn.); extend commencement date from 1-18-35 to 10 days after grant and extend completion date from 4-18-35 to 90 days thereafter.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.
1210 —Granted modification of C. P. to extend completion date from 1-1-35 to 2-15-35.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted
900 modification of C. P. extending commencement date from 11-2-34 to 2-1-35 and extending completion date from 2-2-35 to 5-1-35.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 Granted modification of C. P. extending commencement date from 11-2-34 to 2-1-35 and extending completion date from 2-2-35 to 5-1-35.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Granted
1420 C. P. to move transmitter and studio locally.

WNEL—Juan Piza, San Juan, P. R.—Granted license to cover
1290 C. P.; **1290 kc.**, 500 watts, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted license to
890 cover C. P. authorizing installation of new equipment, increase in daytime power, change frequency from **900 kc.** to **890 kc.**, and moving transmitter to new site locally; 250 watts night, 500 watts day, unlimited.

KGBX—KGBX, Inc., Springfield, Mo.—Granted extension of spe-
1310 cial experimental authorization to operate from local sunset to midnight on frequency **1230 kc.**, 500 watts.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted
1280 extension of special experimental authorization to operate with 500 watts additional night power, employing directional antenna, for period January 30 to April 1, 1935.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted re-
970 newal of license for period of 3 months; **970 kc.**, 1½ KW, limited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted C. P. to
1410 install new equipment.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—
1420 Granted authority to install automatic frequency control.

WDRC—WDRC, Inc., Hartford, Conn.—Granted authority to de-
1330 termine operating power by direct measurement.

KSL—Radio Service Corp. of Utah, Salt Lake City.—Granted au-
1130 thority to determine operating power by direct measurement of antenna.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted
830 authority to determine operating power by direct measurement of antenna.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modi-
550 fication of C. P. to make changes in equipment, extend commencement date from 12-6-34 to 10 days after grant, and extend completion date from 2-1-35 to 150 days thereafter.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted license
1270 covering local move of station, changes in equipment, and increase in daytime power; **1270 kc.**, 1 KW night, 2½ KW day, unlimited.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—
1010 Granted license to cover C. P. authorizing installation of new equipment, increase in power from 500 watts to 1 KW; **1010 kc.**, unlimited time.

WINS—American Radio News Corp., New York City.—Granted
1180 modification of license to change name from American Radio News Corp. to Hearst Radio, Inc.

WISN—American Radio News Corp., Milwaukee, Wis.—Granted
1120 modification of license to change name from American Radio News Corp. to Hearst Radio, Inc.

KOIN—KOIN, Inc., Portland, Ore.—Granted modification of
940 license to increase day power from 2½ to 5 KW.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted
1210 consent to transfer of control of Anderson Broadcasting Corp. at Anderson, Ind. (licensee of WHBU), from the Citizens Bank, Anderson, Ind., to Leo M. Kennett. License expires June 1, 1935, and authorized operation on **1210 kc.**, 100 watts, unlimited.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted license to use
680 old equipment as auxiliary. Also granted authority to use

W. E. 6-B transmitter as an auxiliary during the hours of operation as authorized by S.E.A. (that is, to 11 p. m., EST), subject to check by engineers.

KFBB—Battery Broadcast, Inc., Great Falls, Mont.—Granted spe-
610 cial experimental authorization to change frequency from
1280 kc. to **610 kc.** for remainder of license period ending
April 1, 1935.

WJZ—National Broadcasting Co., Inc., New York.—Granted ex-
760 tension of special authorization for the next license period
ending August 1, 1935, to operate with 50 KW.

WORK—York Broadcasting Co., York, Pa.—Granted extension of
1320 special authorization for period ending August 1, 1935, to
operate on **1320 kc.**, 1 KW night, 1 KW day, unlimited.

KGA—Louis Wasmer, Spokane, Wash.—Granted petition that
1470 Commission reconsider and grant on a regular basis the
renewal application which was set for hearing October 30,
1934.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted
620 C. P. to make changes in equipment.

NEW—Bell Telephone Laboratories, Inc., Whippany, N. J.—
560 Granted C. P., exp.-spec. exp. serv., **560, 900, 1340 kc.,**
900 5 KW; time of operation, 12-6 a. m. Also granted license
1340 covering same.

NEW—A. H. Belo Corp., Portable-Mobile (Texas).—Granted C. P. (exp. gen. exp.), **31100, 34600, 37600, 40600 kc.,** 3 watts.

W2XHI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. extending commencement date to 2-27-35 and completion date from 3-27-35 to 5-27-35.

NEW—A. M. Rowe, Inc., Fairmont, W. Va.—Granted C. P. (gen. exp.), frequencies **31600, 35600, 38600, 41000, 86000-400000 kc.,** 25 watts. Location, Hotel Fairmont, Fairmont, W. Va. Authority is granted to transmit regular programs in order to carry out the proposed program of research and obtain estimate on number of listeners and their reactions to high fidelity programs transmitted on very high frequencies, subject to understanding that authority is on temporary basis only and may be cancelled without notice or hearing, etc., and station shall not be used to re-broadcast programs of any other station or to transmit any commercial sponsored programs or communication involving advertising either directly or indirectly.

W8XCQ—A. M. Rowe, Inc., Portable-Mobile, in conjunction with WMMN, Fairmont, W. Va.—Granted license to cover C. P. (gen. exp), **31100, 34600, 37600, 40600 kc.,** 10 watts.

W10XG—National Broadcasting Co., Inc., Schooner *Seth Parker*.—Granted modification of license for additional 1-KW transmitter and 1-KW operating power.

WKEM—American Radio News Corp., Portable-Mobile (New York).—Granted modification of license (temporary broadcast pickup) to change name from American Radio News Corp. to Hearst Radio, Inc.

MISCELLANEOUS

WEAN—Shephard Broadcasting Service, Providence, R. I.—De-
780 nied application to increase night power to 500 watts on a
permanent basis. This station is now permitted to use 250
watts additional power at night on an experimental basis.
Application for license for increased power on a permanent
basis set for hearing.

KWTO—KGBX, Inc., Springfield, Mo.—Denied petition requesting
560 application heretofore designated for hearing be reconsidered
and granted. The application requests an increase in day-
time power from 1 KW to 5 KW; normally licensed on **560
kc.,** 1 KW daytime; and to install new equipment.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—De-
1400 nied petition requesting application which was designated
for hearing be reconsidered and granted without a hearing.
The application requested an increase in power from 500
watts to 1 KW daytime.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Denied peti-
1400 tion requesting application which was designated for hearing
be reconsidered and granted without a hearing. The appli-
cation requested an increase in power to 1 KW.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—
610 Denied special authority to operate from 6 to 7 p. m., EST,
for period February 1 to February 28, 1935.

WDZ—James L. Bush, Tuscola, Ill.—Designated application for
1070 renewal of license for hearing, and directed that a conditional
license be issued for the period March 1 to August 1, 1935,
subject to whatever action may be taken on renewal application, and upon application of Superior Broadcasting Service, Inc.

KFBI—The Farmers & Bankers Life Ins. Co., Abilene, Kans.—
1050 Designated application for renewal for hearing to be heard
on issues set forth in bill of particulars, and pending outcome
of hearing a temporary conditional license was granted for
term February 1 to August 1, 1935, subject to whatever
action may be taken on renewal application pending before
Commission.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Designated renewal ap-
1370 plication for hearing and directed that a special temporary
authorization be issued for the term February 1 to July 1,
1935, subject to Commission's action on application for re-
newal of license of this station now pending before it.

David Stern, New York City.—Granted application for continuance of hearing set for February 13, 1935, which requests permission to erect a new station to operate on **810 kc.,** 500 watts, 6 a. m. to LS, and asks for the facilities of WNYC and WGCO. The date of the hearing will be fixed by the Docket Section.

Van Campen Adams, Rochester, Minn.—Granted application to intervene in the proceedings on the hearing of the Southern Minnesota Broadcasting Co., set for February 7, 1935. This is an application for a new station to operate on **1310 kc.,** 100 watts day and night, at Rochester, Minn. Denied application for continuance of the hearing.

Utah State Federation of Labor, Salt Lake City, Utah.—Denied petition to intervene at the hearing of the application of the Utah Radio Educational Society for a new station at Salt Lake City. Petitioner will be permitted to offer any competent evidence available.

NEW—American Broadcasting Co., Washington, D. C.—C. P. re-
830 questing frequency **830 kc.,** 100 watts night, 100 watts day,
unlimited time, heretofore set for hearing, was dismissed at
applicant's request.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification of
1390 license, **1390 kc.,** 5 KW night, 5 KW day, unlimited time,
heretofore set for hearing, was dismissed at applicant's re-
quest.

NEW—National Battery Broadcasting Co., St. Paul, Minn.—C. P.
680 to erect new station, **680 kc.,** 500 watts night, 1 KW LS, un-
limited time, heretofore set for hearing, was dismissed at
applicants' request.

NEW—S. H. Patterson, Portable.—Application for C. P. for broadcast pickup station, heretofore granted, was retired to closed files for want of prosecution.

WKFA—WJMS, Inc., Portable.—Application for C. P. for broadcast pickup station, heretofore granted, was retired to closed files for want of prosecution.

SET FOR HEARING

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—
890 C. P. to make changes in equipment; increase night power
from 250 watts to 500 watts and day power from 500 watts
to 1 KW; also change location to site to be determined.

NEW—Eugene DeBogory, d/b as Dallas Radio Research Engi-
1550 neers, Dallas, Tex.—C. P. (exp. broadcast), **1550 kc.,** 1 KW
night, 1 KW day, unlimited.

NEW—Eugene DeBogory and Mildred English, d/b as Dallas
1500 Broadcasting Co., Dallas, Tex.—C. P. for new station, **1500
kc.,** 100 watts daytime and specified hours night.

NEW—Price Siever, O. L. Balyess, and J. W. Steele, Jr., Duncan,
1500 Okla.—C. P. for new station, **1500 kc.,** 100 watts, unlimited
time.

NEW—J. L. Scroggin, St. Joseph, Mo.—C. P. for new station,
1500 **1500 kc.,** 100 watts, unlimited time.

NEW—W. R. Cramer and C. A. Anderson, d/b as Omaha Broad-
1500 casting Co., Omaha, Nebr.—C. P. for new station, **1500 kc.,**
100 watts, unlimited time (site to be determined).

NEW—Mississippi Valley Broadcasting Co., Inc., Hannibal, Mo.—
1310 C. P. for new station, **1310 kc.,** 100 watts, unlimited time
(site to be determined).

NEW—William B. Scullin, Salem, Ore.—C. P. for new station, **1440**
1440 **kc.,** 500 watts, unlimited time.

NEW—WMAN Broadcasting Co. (a partnership), John F. Weimer,
1370 Eugene Altwies, Gerald C. Roberts, and Rose Altwies, Mans-
field, Ohio.—C. P. for new station, **1370 kc.,** 100 watts, un-
limited time (site to be determined).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—C. P. to move station
1120 locally, install directional antenna, and increase nighttime power from 250 watts to 1 KW.

NEW—Eagle Rock Broadcasting Co. (Chas. A. Butler, E. Kaufman),
1160 Eagle Rock, Calif.—C. P. for new station, **1160 kc.,** 250 watts, daytime hours.

KYA—Pacific Broadcasting Corp., San Francisco, Calif.—C. P. to
1230 install new equipment; increase power from 1 to 5 KW.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P. to
1450 change equipment; move transmitter site; change frequency from **1210 kc.** to **1450 kc.** and power from 100 watts to 500 watts.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification
850 of C. P. to extend commencement date from 10-11-34 to within 30 days after grant and extend completion date from 1-11-35 to 120 days after grant.

NEW—Wm. A. Schall, Omaha, Nebr.—C. P. (already in hearing
1420 docket) amended so as to request **1500 kc.** instead of **1420 kc.**

NEW—Norman F. Storm, Centralia, Wash.—C. P. (already in hearing docket) amended so as to request daytime operation instead of unlimited time.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Modification
1310 of license to increase hours of operation from daytime to unlimited.

KFRU—KFRU, Inc., Columbia, Mo.—Modification of license to
630 change hours of operation from sharing with WGBF, WOS, simultaneous day with WGBF, to share with WGBF, simultaneous day with WGBF.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—
570 Modification of special experimental authorization to operate with 1 KW night (normally licensed on **570 kc.,** 250 watts night, 1 KW day. Has special experimental authorization to use 500 watts night).

KGBX, Inc., St. Joseph, Mo.—C. P. (already in hearing docket)
1500 amended so as to request **1500 kc.,** 100 watts, unlimited, instead of 250 watts day.

NEW—Harris County Broadcast Co., Houston, Tex.—C. P. (experimental relay broadcasting), **9510,* 11770, 15150 kc.,** 500 watts. (* Main frequency.)

WDRC, Inc., Hartford, Conn.—C. P. for new station, **1200 kc.,** 100
1200 watts, unlimited time (site to be determined).

NEW—Brothers & England, Mansfield, Ohio.—C. P. for new station,
1370 **1370 kc.,** 100 watts, unlimited time.

NEW—Jesse H. Jay, Miami, Fla.—C. P. for new station, **1200 kc.,**
1200 100 watts, unlimited time (site to be determined).

NEW—KGBX, Inc., Sedalia, Mo.—C. P. for new station, **1210 kc.,**
1210 100 watts, unlimited time (site to be determined).

NEW—Mississippi Valley Broadcasting Co., Inc., Jefferson City,
1310 Mo.—C. P. for new station, **1310 kc.,** 100 watts, daytime (site to be determined).

NEW—Joplin Broadcasting Co., Pittsburgh, Kans.—C. P. for new
1200 station, **1200 kc.,** 100 watts, daytime.

WHFC—WHFC, Inc., Cicero, Ill.—C. P. to install new equipment
1420 and increase day power from 100 watts to 250 watts.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. D.—
780 Modification of license to change frequency from **1110 kc.** to **780 kc.;** decrease night power from 2½ KW to 1 KW; change hours of operation from limited to unlimited (except when KFDY operates). No change in 2½-KW daytime power.

APPLICATIONS RECEIVED

First Zone

WFAS—Westchester Broadcasting Corp., White Plains, New York.
1210 —Construction permit to install new equipment, increase power from 100 watts to 100 watts, 250 watts day.

NEW—Edward Mirante and Arthur Faske, d/b as Connecticut
1370 Broadcasting Co., New Britain, Conn.—Construction permit to erect a new station on **1270 kc.,** 100 watts, unlimited time. Amended to change frequency to **1370 kc.**

NEW—Rochester Broadcasting Co., Inc., Rochester, N. Y.—Con-
1210 struction permit to erect a new broadcast station to be operated on **1210 kc.,** 250 watts, daytime.

NEW—Bell Telephone Laboratories, Inc., Whippany, N. J.—Con-
560 struction permit for special experimental station on **560, 900,**
900 **1340 kc.,** 5 KW.
1340

Bell Telephone Laboratories, Inc., Whippany, N. J.—License to cover construction permit to erect a new special experimental station to be operated on **560, 900, 1340 kc.,** 5 KW.

Second Zone

WJMS—WJMS, Inc., Ironwood, Mich.—Construction permit to
1420 move transmitter from 215 S. Suffolk St., Ironwood, Mich., to Douglas Blvd. and U. S. No. 2, Ironwood, Mich.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—
1420 Special experimental authorization to operate simultaneously night with WEED for period of 60 days.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of
560 license to change hours of operation from shares WLIT to unlimited. Requests facilities of WLIT.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of con-
550 struction permit authorizing changes in equipment and increase of day power from 500 watts to 2½ KW, requesting extension of commencement date from 10-29-34 to 1-29-35 and completion date from 1-29-35 to 4-29-35.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Con-
1410 struction permit to install new equipment and increase power from 250 watts to 250 watts, 500 watts day.

WCBA—B. Bryan Musselman, Allentown, Pa.—Extension of spe-
1440 cial experimental authorization to operate with additional 250 watts (licensed for 250 watts) from 1-25-35 to 3-26-35.

WSAN—WSAN, Inc., Allentown, Pa.—Extension of special ex-
1440 perimental authorization to operate on 500 watts from 1-25-35 to 3-26-35.

Third Zone

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Modification of
1420 construction permit to erect a new station on **1420 kc.,** 100 watts, unlimited time, requesting move of transmitter and studio from 153 Magnolia Ave., Daytona Beach, Fla., to 126½ Magnolia Ave., Daytona Beach, Fla., and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

WQER—Georgia School of Technology, Portable.—License to cover construction permit for broadcast pickup station on **1622, 2190 kc.,** 5 watts.

WQET—Georgia School of Technology, Portable.—License to cover construction permit for **1622, 2190 kc.,** 15 watts.

A. H. Belo Corporation, Portable-Mobile.—Construction permit for a general experimental station to operate on **34600 kc.,** 3 watts. Amended for **31100, 34600, 37600, 40600 kc.**

KFPL—C. C. Baxter, Dublin, Tex.—Construction permit to make
1310 changes in equipment and increase power from 100 watts to 100 watts, 250 watts day. (Consideration under Rule 6(g)).

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina,
920 Spartanburg, S. C.—Modification of construction permit (3-P-B-3039) authorizing move of transmitter locally, changes in equipment, change frequency from **1420 kc.** to **920 kc.;** increase power from 100 watts, 250 watts day, to 1 KW, and hours of operation from unlimited to daytime, requesting further changes in equipment.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Extension of
1400 special experimental authorization to operate with 500 watts night for period from 1-25-35 to 3-26-35.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special
680 experimental authorization to operate until 8 p. m. PST, on 1 KW for period ending 8-1-35.

WWL—Loyola University, New Orleans, La.—Extension of special
850 experimental authorization to operate unlimited time from 2-1-35 to 8-1-35.

WAMC—Raymond C. Hammett, Tuscaloosa, Ala.—Modification
1420 of construction permit (3-P-B-2858) as modified to request move of transmitter and studio from 10th and Noble Streets, Anniston, Ala., to 2330 Broad Street, 1st National Bank Bldg., Tuscaloosa, Ala.; make changes in equipment and extend commencement date to 15 days after grant and completion date to 90 days thereafter.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Construc-
1500 tion permit to move transmitter 200 feet from present location (one mile east of city of Kosciusko, Miss.).

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification
1370 of construction permit as modified authorizing erection of a new station on **1370 kc.,** 100 watts, daytime, requesting approval of transmitter site at 320 N. Front Street and studio,

Hotel Wilmington, Wilmington, N. C.; install new frequency monitor and extend commencement date to 5 days after grant.

Fourth Zone

NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new station on **1370 kc.,** 100 watts, unlimited time.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Authority
610 to determine operating power by direct measurement of antenna.

NEW—Ray J. Arend, Rochester, Minn.—Construction permit to
1200 erect a new station on **950 kc.,** 100 watts, unlimited. Amended to change frequency from **950 kc.** to **1200 kc.** and make changes in equipment.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension
1280 of special experimental authorization to operate with 500 watts additional power night, period ending 4-1-35.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Special experi-
1380 mental authorization to operate on frequency of **1380 kc.,** 250 watts, with directional antenna, for period of six months.

Fifth Zone

NEW—Joseph H. Hallock, Vancouver, Wash.—Construction per-
1500 mit to erect a new station on **1500 kc.,** 100 watts, daytime.

NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect
1500 a new station on **1500 kc.,** 100 watts, 250 watts day, unlimited.

E. R. Irey and F. M. Bowles, Portable.—Construction permit for general experimental (for broadcast pickup) station to operate on **31100, 40600 kc.,** 30 watts. Amended to change frequencies to **31100, 34600, 37600** and **40600 kc.**

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Modification of construc-
1310 tion permit to erect a new station on **1310 kc.,** 100 watts, unlimited time, requesting approval of transmitter site and to move studio from 211 San Francisco Street to same as new transmitter site, 759 Cerillos Road, U. S. Highway 66 and 85, Santa Fe, New Mex.; and extend commencement date to 10 days after grant.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 Construction permit to increase night power from 1 KW to 5 KW, and move transmitter to site to be determined.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN DECEMBER

Developments of the Month

TOTAL volume of broadcast advertising remained comparatively unchanged in December as compared with the preceding month. Gross time sales of the medium amounted to $7,176,211, and were 8/10 of one per cent less than in November.

National network advertising continued to gain, rising 1.9% above the November level. National spot volume declined 6.0% as compared with the previous month, while local broadcast advertising decreased 1.9%. At least a portion of these declines was in the nature of a seasonal trend. There was a marked decline in regional network volume, due to a cessation of political advertising.

Comparison with 1933

December broadcast advertising exhibited a marked improvement over that of the same month of 1933. Gross revenues of the medium were 16.6% greater than in December 1933. National spot volume registered the greatest increase, standing 30.3% above the level of the same period of the previous year. National network volume was 20.4% greater than during December 1933, while local broadcast advertising remained at practically the same level. Regional network advertising declined somewhat.

Comparison with Other Media

National magazines declined 13.4% as compared with November, the drop in revenues being due mainly to normal seasonal factors. Magazine advertising for the month was 10.3% above that of the same period of 1933. Newspaper volume remained steadier than usual during the month and was 11.7% greater than during December of the previous year. According to the Weld-Printers' Ink index, the gain for this medium was 9.3% after corrections had been made for seasonal trend. National farm paper advertising was 25.2% less than in November, but 30.9% higher than during December of the preceding year.

Other Trends of the Month

Gross time sales of non-network business for stations of over 1,000 watts in power, increased 6.2% over November and were 18.0% greater than in December 1933. Non-network revenues of other class stations declined approximately 10% during the month, and stood but slightly ahead of December of the preceding year.

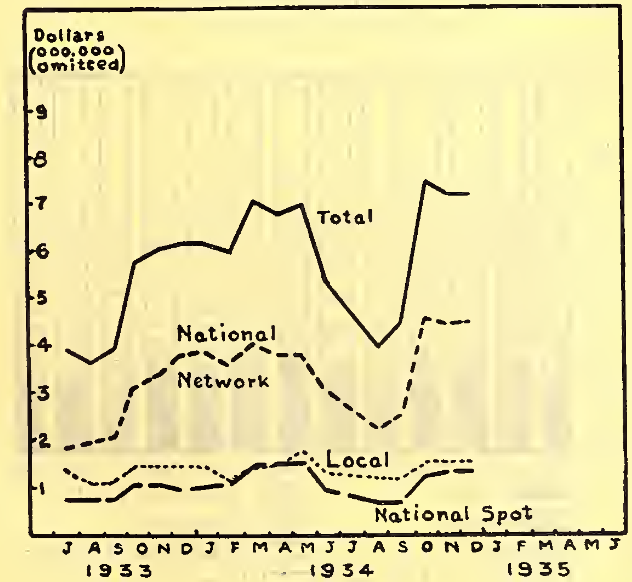
New England-Middle Atlantic and Mid-Western non-network business declined slightly during the month, while Southern and Far Western advertising increased. New England-Middle Atlantic business, however, showed a gain of 28.1% over the preceding December, with gains ranging about 4% in other districts.

Electrical transcription volume declined 15.5% in the national spot field during the month and rose slightly in the local field. National spot transcription volume was 14.4% above December 1933, local volume showing a slight decrease. National live talent business continued to increase, showing a gain of 7.8% over November, and reaching a level 70.0% higher than in December of the previous year. Local spot announcement volume rose 11.8% during the month. Announcement business was generally lower than during the same month of 1933, local business being 15.6% below that level and national business 32.8% lower.

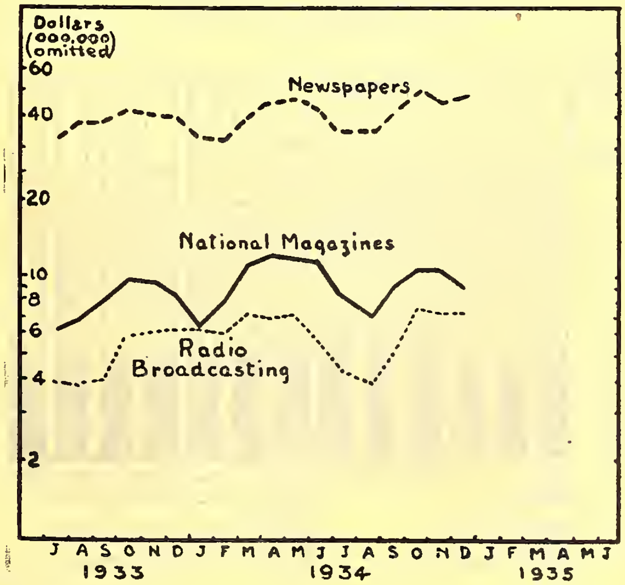
Sponsor Trends in December

Principal gains as compared with the preceding month included one of 27.1% in national network automotive volume and a doubling of national spot volume in the same field; a rise of 70.0% in national spot confectionery volume and of 44.3% in tobacco advertising in the same field; a rise of 24.0% in local apparel advertising, 41.6% in local drug advertising, 20.0% in local household equipment advertising and of 24.8% in department store vol-

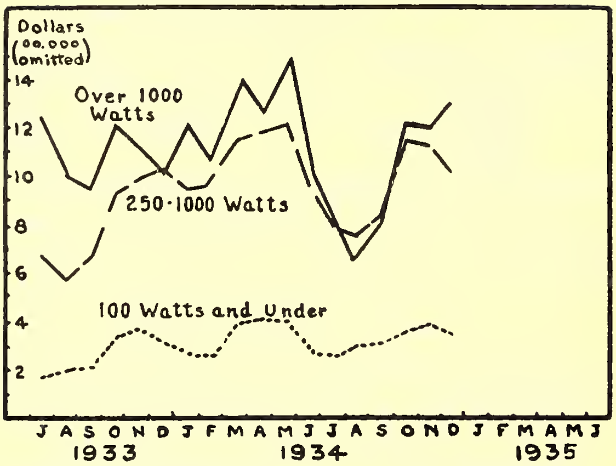
RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to June, 1935



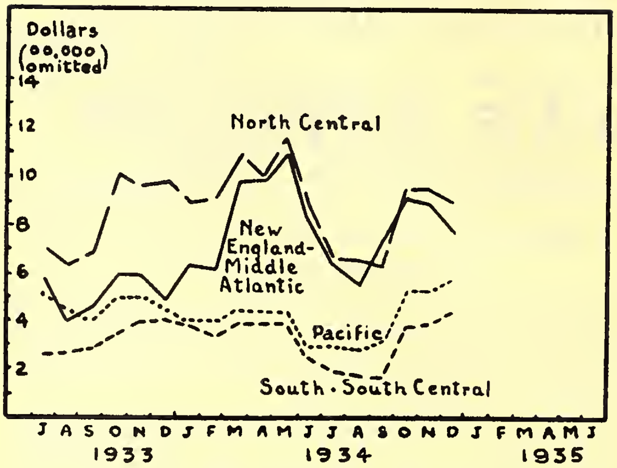
ADVERTISING VOLUME MAJOR MEDIA
July, 1933, to June, 1935



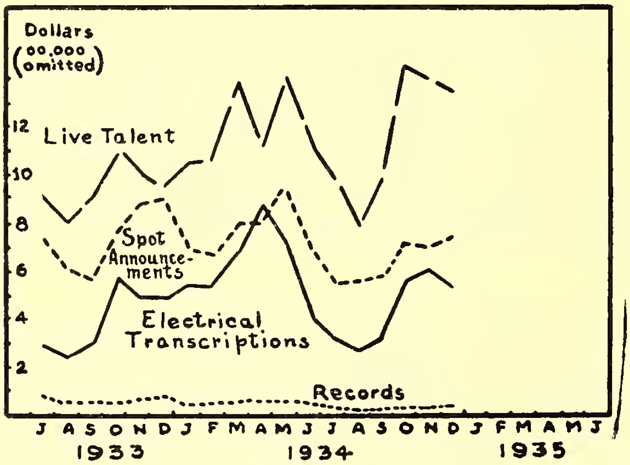
NON-NETWORK ADVERTISING BY STATION POWER
July, 1933, to June, 1935



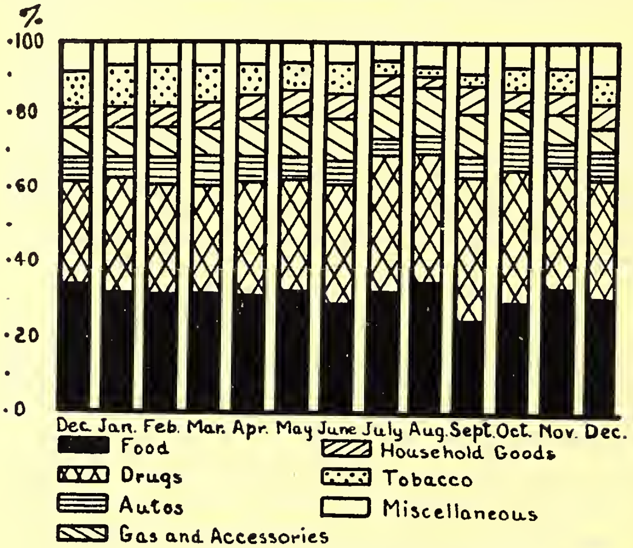
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to June, 1935



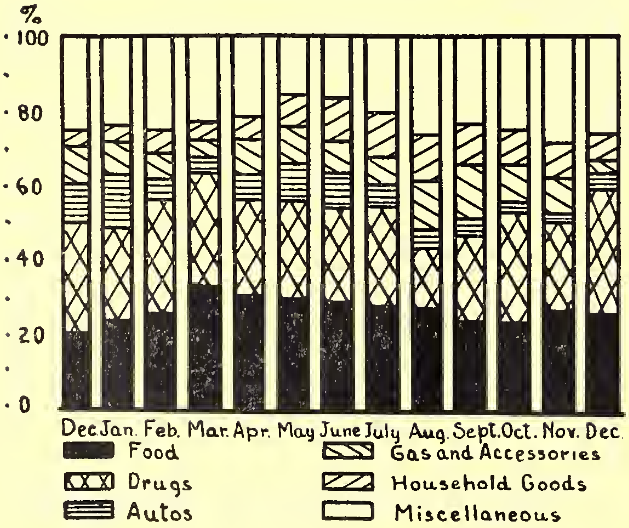
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to June, 1935



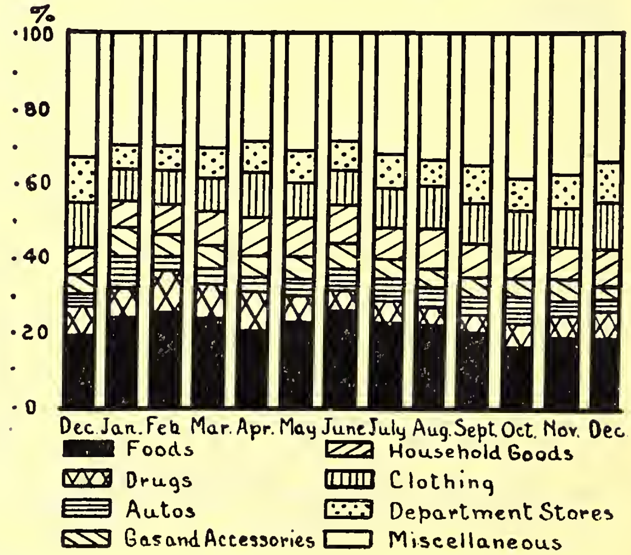
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
Dec., 1933, to Dec., 1934



NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS
Dec., 1933, to Dec., 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
Dec., 1933, to Dec., 1934



ume. Sharp declines occurred in national network and national spot household equipment advertising, local automotive acessory and gasoline volume, network clothing, national spot cosmetic, and national spot and local radio set advertising.

The chief gains in national network advertising over December of the previous year included one of 45.5% in automotive advertising, 40.9% in drug and pharmaceutical volume, and 54.2% in soap and kitchen supply advertising. Beverage advertising was 24.4% lower than the previous December, household equipment 78.5% lower and financial volume 24.6% less.

A marked increase in clothing, beverage and financial national spot advertising, and a strong rise in accessory and gasoline, drug, food and household equipment volume in this field, also was experienced, as compared with the same period of last year. In the local field, the principal development was a 42.4% rise in household equipment advertising over that of December 1933.

A summary of trends for the various industrial groups utilizing broadcast advertising is as follows:

1a. ***Amusements.*** Increase of 22.7% as compared November. Decline of 26.1% compared to same month of previous year. National spot decline particularly heavy.

1. ***Automotive.*** National network increase 27.1% over previous month, national spot volume doubled, and local advertising up 14.5%. Increase also in regional network field. Network volume 45.5% above December previous year, national spot volume 28.8% below, and local volume unchanged.

2. ***Gasoline and accessories.*** National network decline 9.9% compared November. Local down 40.7%, and national spot unchanged. Regional down 58.1%. Network volume 7.6% above preceding year, national spot up 40.0%, and local down 44.0%.

3. ***Clothing.*** National network gained slightly over November. National spot down 15.1% and local up 24.0%. Regional gain 35.0%. Regional volume double same period 1933, national network down 16.3%, national spot increase six-fold, local increase 9.0%.

4. ***Drugs and pharmaceuticals.*** Network volume up 10.2%, regional volume four and one-half times preceding month, local advertising up 41.6%, and slight gain in national spot field. Regional advertising 63.0% ahead December, 1933, national spot 18.2% higher, national network 40.9% above, and local 23.1% below.

5. ***Toilet goods:*** Networks 4.8% below November, national spot 13.3% below, and slight gain in local business. National networks 18.5% above preceding December, local 50.0% higher, and national spot 20.0% lower. Regional business gained.

6. ***Foodstuffs.*** Networks 5.5% above previous month, with slight gain in regional business. National spot 3.0% ahead, and local 4.2% above. National network volume 26.0% above previous December, national spot 44.2% ahead, and local 10.1% above same period of preceding year.

7. ***Beverages.*** National network volume gained slightly over November, regional volume declined markedly, national spot volume decreased slightly, and local advertising rose 15.0%. Network volume 24.4% below same period 1933, due principally to decreased soft drink advertising. National spot volume three times greater and local volume up 33.1%.

8. ***Confectionery.*** National network volume down 2.3% compared previous month, regional business up 10.0%, national spot volume gained 70.0%, and local business tripled. Network volume 27.0% greater than preceding December, while national spot and local business doubled.

9. ***Household appliances.*** National network decrease 40.3% as compared November, national spot down 17.1%, regional down 4.7%, and local up 20.0%. Networks 78.5% below previous year, national spot 62.5% above, and local 42.4% above.

10. ***Soap and kitchen supplies.*** Networks 4.9% above previous month, national spot 24.5% lower, and slight gain in local business. Networks 54.2% ahead of preceding December, national spot increase four-fold, and local decline 50.0%.

11. ***Insurance and financial.*** Networks 10.0% below November, national spot even, and local gain 25.3%. Regionals 3.4% below. Networks 24.6% lower than same period 1933, national spot volume double, and local lower by 15.7%.

12. ***Radio.*** National networks 9.6% higher than November, national spot and local down 23.0%. Network gain over previous December 77.7%, local volume up 25.0%, and slight decrease national spot business.

13. ***Department and general stores.*** Local volume up 24.8% and national spot volume down slightly. Total volume 9.0% below December preceding year. Total retail volume 13.2% greater than November and 23.0% higher than December, 1933.

14. ***Tobacco products.*** National network volume 5.6% higher than previous month. National spot business 44.3% above, and local volume down slightly. Network volume 16.3% lower than preceding December, national spot business five times greater, and local decline 50.0%.

15. ***Miscellaneous.*** Network decrease 20.1% compared November, regional volume down 50.0% due to lapse of political sponsorship, national spot down 23.6%, and local down 10.4%. Slight gain national network and local volume compared with preceding year, with 30.0% decrease in national spot business.

Retail Advertising. General retail advertising increased 13.2% over the preceding month and 23.0% over the same period of 1933. Principal gains during the month included automotive, 34.8%; drugs, 39.8%; restaurants, 37.0%; beverage retailers, tripled; household appliance, 57.4%; and miscellaneous, 55.0%. The chief gains over December of the preceding year included automotive, 32.0%; gasoline and accessory retailers, 52.0%; drugs, 83.7%; furniture, 56.2%; radio retailers, 49.7%; and miscellaneous, 70.0%.

General Business Conditions

General business conditions during December and January were the most encouraging in some time. Industrial production, according to the Federal Reserve Board index, rose in December to equal the 1930 level for that period. The rise has been a regular one in recent months, the *New York Times* index rising from 78.8% of the 1923-25 average to 86.2%. Employment and payrolls both showed increases, contrary to the usual seasonal trends. Automobile production rose from 55.1% of the 1923-25 average at the beginning of January to 88.1% on January 19. Steel reflected the increased automobile activity, the ingot production index rising from 39.5 on December 8 to 65.8 on January 19. Wholesale prices rose in January to the highest point reached since 1930, increased food and farm product prices being in the main responsible.

Distribution showed encouraging trends. Car loadings declined by less than their usual seasonal amount. Grocery chain store sales increased over the preceding month and were slightly greater than during December, 1933. Rural retail sales in December were 132.6% of the 1929-31 average, while variety store sales were 163.3% of that average. Automobile financing was 33.5% greater than during the same month of the previous year.

While business is still spotty, as evidenced by the lag in the construction industries and similar fields, continued improvement should be recorded during the next few months.

TOTAL BROADCAST ADVERTISING

	1934 Gross Time Sales		
Class of Business	*November*	*December*	*Cumulative Jan. Dec.*
National networks	$4,366,453	$4,450,523	$42,647,081
Regional networks	107,259	63,702	717,117
National spot business	1,300,625	1,231,492	13,541,770
Local broadcast advertising	1,458,255	1,430,494	15,981,201
Total	$7,232,592	$7,176,211	$72,887,169

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1934 Gross Time Sales		
Power of Station [1]	*November*	*December*	*Cumulative Jan. Dec.*
Over 1,000 watts	$1,224,730	$1,302,276	$13,408,584
250-1,000 watts	1,145,320	1,012,300	12,132,301
100 watts	388,830	347,410	3,982,086
Total	$2,758,880	$2,661,986	$29,522,971

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[1] This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

1934 Gross Time Sales

Type of Rendition	*National Spot* November	*National Spot* December	*Local* November	*Local* December	*Total* November	*Total* December	*Cumulative* Jan. Dec.
Electrical transcriptions	$507,598	$427,510	$103,592	$112,580	$661,190	$540,090	$6,399,190
Live talent programs	570,110	614,952	833,540	731,534	1,403,650	1,346,486	14,155,399
Records	2,880	4,330	30,310	35,660	33,910	39,990	463,127
Spot announcements	220,037	184,700	490,813	550,720	710,850	735,420	8,505,255
Total	$1,300,625	$1,231,492	$1,458,255	$1,430,494	$2,758,880	$2,661,986	$29,522,971

ADVERTISING VOLUME BY MAJOR MEDIA

1934
Gross Time Sales

Advertising Medium	*November*	*December*	*Cumulative Jan.-Dec.*
Radio broadcasting	$7,232,592	$7,176,211	$72,887,169
National magazines[1]	10,524,546	9,115,326	116,268,492
National farm papers	462,593	349,108	5,200,067
Newspapers[2]	43,366,000	44,788,000	485,481,718
Total	$61,585,731	$61,428,645	$679,837,446

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[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

1934
Gross Time Sales

Geographical District	*November*	*December*	*Cumulative Jan.-Dec.*
New England-Middle Atlantic Area	$899,051	$767,349	$9,815,695
South Atlantic-South Central Area	398,251	422,090	3,944,650
North Central Area	946,430	911,233	10,822,445
Pacific and Mountain Area	515,148	561,314	4,940,181
Total	$2,758,880	$2,661,986	$29,522,971

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

1934
Gross Time Sales

Type of Sponsoring Business	*November*	*December*
Automobiles and accessories:		
Automobiles agencies and used car dealers	$41,872	$54,630
Gasoline stations, garages, etc.	88,725	57,946
Clothing and apparel shops	160,660	193,030
Drugs and toilet goods:		
Drug stores	20,992	29,515
Beauty parlors	4,845	6,743
Food products:		
Grocery stores, meat markets, etc.	48,194	38,400
Restaurants and eating places[1]	16,123	22,460
Beverage retailers	830	2,060
Confectionery stores, etc.	1,344	2,686
Household goods:		
Household equipment retailers[2]	23,754	35,958
Furniture stores	57,196	74,945
Hardware stores	18,260	10,535
Radio retailers	26,712	20,294
Department and general stores	134,559	163,952
Tobacco shops	937	210
Miscellaneous	62,945	95,360
Total	$707,948	$808,724

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[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(December, 1934)

Gross Time Sales

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Spot*	*Local*	*Total*
1a. Amusements	—	—	$644	$39,030	$39,674
1–2. Automobiles and Accessories:					
(1) Automobiles	$332,805	$530	51,602	50,626	435,563
(2) Accessories, gas and oils	311,901	11,342	140,000	51,054	514,297
3. Clothing and apparel	35,740	2,160	27,470	191,080	256,450
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	659,638	4,353	371,166	82,600	1,117,757
(5) Toilet goods	813,147	1,060	51,785	22,740	888,732
6–8. Food products:					
(6) Foodstuffs	971,084	25,467	250,720	212,235	1,459,506
(7) Beverages	253,676	1,600	45,050	45,240	345,566
(8) Confections	166,908	2,200	16,310	10,227	195,645
9–10. Household goods:					
(9) Household equipment and furnishings	17,232	4,981	51,665	131,930	205,808
(10) Soap and kitchen supplies	255,720	—	39,270	4,436	299,426
11. Insurance and financial	46,346	2,000	20,480	54,535	123,361
12. Radios	95,608	—	2,700	20,251	118,559
13. Retail establishments	—	—	8,400	155,552	163,952
14. Tobacco products	318,602	—	13,315	5,666	337,583
15. Miscellaneous	172,116	8,009	140,915	353,292	674,332
Total	$4,450,523	$63,702	$1,231,492	$1,430,494	$7,176,211

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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BROADCAST ADVERTISING IN 1934

First Comprehensive Report

The 1934 report of broadcast advertising volume makes available for the first time comprehensive data regarding all forms of radio advertising for a full calendar year. Established in July 1933, the statistical reports of the National Association of Broadcasters constitute the only source where information is available for national and local non-network and regional network advertising, in addition to the usual national network figures. The appreciation of the officers and board of the Association is extended to those stations whose cooperation has made possible the compilation and publication of these statistics.

Total Broadcast Advertising in 1934

Total broadcast advertising in 1934 amounted to $72,887,169 and constituted a gain of 27.0% above the estimated gross time sales of the medium for the preceding year. Advertising revenues of the industry equalled, if they did not actually exceed the previous peak year of 1931, when according to estimates by the Federal Radio Commission, corrected for duplications, the total gross revenues ranged between $70,000,000 and $73,000,000.

The proportion of total broadcast advertising represented by national and regional networks, and by national and local non-network business is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

(1934)

Class of Business	*Gross Time Sales*	
National networks	$42,647,081	58.5%
Regional networks	717,117	.9%
National spot business	13,541,770	18.6%
Local broadcast advertising	15,981,201	22.0%
Total	$72,887,169	100.0%

National network advertising experienced the most rapid rise of any portion of the broadcasting structure. Gross time sales by national networks exceeded the 1933 level by 35.3%, and were 9.2% greater than the volume of advertising experienced during the previous peak year of 1932. Regional network volume declined slightly during the year.

Since data regarding non-network broadcast advertising is available only following July 1933, comparisons in this field must be restricted to the last six months of the year. National non-network advertising, often referred to as national spot advertising, was 16.8% greater during the latter half of 1934 than during the same period of the preceding year.

Local broadcast advertising, on the other hand, failed to register any gains. Gross time sales of this class of business were 3.2% less during the last six months of 1934 than during the corresponding portion of 1933. Improvement occurred during the latter months of the year. Whereas local advertising was 20.4% less in July 1934 than during the same month of the previous year, monthly volume either equalled or slightly exceeded that of 1933 from September to the close of the year. Improvement in retail trade and on the part of the smaller business establishments during the coming year, should aid materially in correcting the present unfavorable local situation.

National network volume has increased in relative importance in the past several years. In 1931 broadcast advertising of this type constituted but 51.2% of total radio advertising, and since then rose to 58.5%. National non-network advertising has increased slightly in importance while the proportion of total broadcast advertising represented by local business declined from 26.6% during the latter half of 1933, to 22.0% during 1934.

Comparison with Other Media

With the exception of farm papers, whose advertising revenues increased 29.0%, radio broadcast advertising experienced the greatest improvement of any medium. National magazine advertising rose 21.0% during 1934 as compared with the preceding year, while newspaper advertising increased approximately 10.0%. Radio broadcasting has been the only advertising medium to exceed the level of its previous peak year.

Advertising volume of various major media for the year of 1934 is found in Table II. It should be noted that some estimates of newspaper advertising volume are slightly higher than the one presented here, the *Editor and Publisher* estimate being $490,000,000.

TABLE II

ADVERTISING BY MAJOR MEDIA

(1934)

Advertising Medium	*Gross Time Sales*	
Radio broadcasting	$72,887,169	10.8%
National magazines [1]	116,268,492	17.1%
National farm papers	5,200,067	.8%
Newspapers [2]	485,481,718	71.3%
Total	$679,837,446	100.0%

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

[2] Estimated.

Non-Network Advertising

The proportion of total broadcast advertising represented by non-network business in 1934 was 40.6%. The distribution of this business among stations of various power and in different sections of the country is found in Tables III and IV, respectively.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

(1934)

Power of Station [1]	*Gross Time Sales*	
Over 1,000 watts	$13,408,584	45.4%
250-1,000 watts	12,132,301	41.1%
100 watts	3,982,086	13.5%
Total	$29,522,971	100.0%

[1] This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

(1934)

Geographical District	*Gross Time Sales*	
New England-Middle Atlantic Area	$9,815,695	33.2%
South Atlantic-South Central Area	3,944,650	13.5%
North Central Area	10,822,445	36.4%
Pacific and Mountain Area	4,940,181	16.9%
Total	$29,522,971	100.0%

The non-network business of the smaller transmitters has increased more rapidly than has that of the larger stations. Gross time sales of 100 watt stations rose 20.1%, as measured by a comparison of the last half of 1933 and 1934 respectively, while those of stations in the 250-1,000 watt class increased 17.1%. Non-network revenues of stations over 1,000 watts in power, on the other hand, decreased 9.0%. The marked rise of national network business, in turn concentrated on the larger stations, is partly responsible for this trend.

The most marked gain of the year was made by broadcast advertising in the New England-Middle Atlantic area, other districts either gaining slightly or holding their own as compared with the preceding year.

Non-Network Advertising by Type of Rendition

Non-network advertising represented by electrical transcriptions, live talent programs, announcements and records, respectively, is found in Table V.

Several trends of importance have occurred with regard to the type of rendition used by broadcast advertisers. There has been a rather marked decline in both record and announcement business. Record programs have decreased approximately 50.0% as compared with the latter half of 1933. National announcement volume has declined 34.0%, while local announcement volume experienced a drop of 28.3%. National electrical transcription volume, on the other hand, increased 12.2% as compared with the latter half of 1933, while local transcription volume dropped 24.4% for the same period.

Undoubtedly the outstanding trend in this field has been the remarkable rise in national live talent programs during the year. Business of this type increased 62.7% during the last six months of 1934 as compared to the same period of 1933. The national live talent rise has been a comparatively steady trend since the early months of 1934.

Sponsorship of Broadcast Advertising

Dollar expenditures for time on stations and networks by various classes of business and the proportion of total advertising volume represented by each class during 1934 are found in Table VI.

In the national network field convenience goods still constitute the preponderant majority of advertising volume. In 1934 the proportion of total network advertising represented by these small, low-priced articles of mass consumption was 86.0%. The rise in importance of goods of this type has been steady since the beginning of network advertising in 1927, when they constituted approximately 30.0% of the network total.

The cosmetic industry was the largest network advertiser in 1934, accounting for 24.4% of gross time sales. Foodstuffs ranked second, drugs third, gasoline and accessories fourth and beverages fifth. The rise of cosmetics from third to first and the drop of tobacco advertising from second to sixth constitute the principal trends of importance in the field of network sponsorship since 1932.

In the regional network field convenience goods represented 72.0% of total advertising volume. Gasoline and accessory advertising ranked first, largely due to Pacific Coast volume, and accounted for 31.0% of the regional total. Food advertising ranked second with 25.1% of the entire regional volume.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF SPONSORING

(1934)

			Gross Time Sales			
Electrical transcriptions	$5,090,925	37.6%	$1,308,265	8.1%	$6,399,190	21.7%
Live talent programs	5,798,723	42.8%	8,356,675	52.3%	14,155,399	47.9%
Records	55,847	4.1%	407,280	2.5%	463,127	1.6%
Spot announcements	2,596,275	15.5%	5,908,980	37.1%	8,505,255	28.8%
Total	$13,541,770	100.0%	$15,981,201	100.0%	$29,522,971	100.0%

TABLE VI

BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(1934)

					Gross Time Sales					
	National Networks		*Regional Networks*		*National Spot*		*Local*		*Total*	
1a. Amusements	—	—	—	—	$35,742	.3%	$514,986	3.2%	$550,728	.8%
1–2. Automobiles and Accessories:										
1. Automobiles	$2,785,685	6.2%	$5,853	.9%	721,743	5.3%	644,545	4.1%	4,157,826	5.7%
2. Accessories, gas and oils	3,827,158	8.6%	222,266	31.0%	1,287,053	9.5%	901,302	5.6%	6,237,779	8.6%
3. Clothing and apparel	372,776	.8%	15,723	2.2%	301,563	2.2%	1,690,076	10.6%	2,380,138	3.2%
4–5. Drugs and toilet goods:										
4. Drugs and pharmaceuticals	4,804,381	11.1%	23,922	3.2%	3,134,909	23.1%	1,012,440	6.3%	8,975,652	12.3%
5. Toilet goods	9,400,764	24.2%	7,883	1.1%	795,945	5.8%	305,868	1.9%	10,510,460	14.4%
6–8. Food products:										
6. Foodstuffs	8,450,701	20.1%	178,726	25.1%	2,778,730	20.5%	2,404,898	15.1%	13,813,055	19.0%
7. Beverages	3,358,805	7.5%	71,319	10.0%	517,721	3.8%	774,948	4.8%	4,722,793	6.4%
8. Confections	1,081,363	2.4%	9,210	1.3%	335,975	2.4%	46,514	.3%	1,473,062	2.0%
9–10. Household goods:										
9. Household equipment and furnishings	417,168	.9%	20,502	2.8%	535,848	3.9%	1,345,497	8.4%	2,319,015	3.2%
10. Soaps and kitchen supplies	2,210,178	5.1%	796	.1%	515,415	3.7%	94,403	.6%	2,820,791	3.8%
11. Insurance and financial	611,822	1.3%	21,904	3.0%	201,369	1.5%	497,758	3.1%	1,332,853	1.8%
12. Radios	656,090	1.4%	—	—	50,382	.4%	138,938	.9%	845,410	1.0%
13. Retail establishments	—	—	—	—	56,256	.5%	1,295,026	8.1%	1,351,282	1.9%
14. Tobacco products	3,181,988	7.1%	3,835	.5%	125,544	.9%	35,853	.2%	3,347,220	4.6%
15. Miscellaneous	1,488,202	3.3%	135,178	18.8%	2,147,575	16.2%	4,278,149	26.8%	8,049,105	11.3%
Total	$42,647,081	100.0%	$717,117	100.0%	$13,541,770	100.0%	$15,981,201	100.0%	$72,887,169	100.0%

In the national non-network field, drugs ranked first in 1934 with 23.1% of the total volume. Food ranked second, the miscellaneous group third, gasoline fourth and cosmetics fifth. The principal change in composition of national non-network advertising which occurred as compared to the latter half of the preceding year was the marked decline in cosmetic advertising.

Local advertising remained comparatively stable as to composition. The miscellaneous group still comprises the largest single category of local advertising. In 1934 it comprised 28.6% of total local volume and embraced the widest possible variety of business. It is estimated that over 200 different kinds of business advertise locally over the radio each month. In 1934 retail advertising of various types comprised 44.9% of the total local business.

Trends in Sponsorship

With very few exceptions, national network advertising increased markedly over the preceding year. The greatest gain was in the soap and kitchen supply field, where 1934 revenues exceeded those of the preceding year by 134.5%. Automotive advertising rose 107.2% as compared with the preceding year. This followed a 73.0% rise in 1933 as compared with 1932.

Other important increases included the following: Gasoline and accessories, 10.3%; drugs and pharmaceuticals, 94.3%; cosmetics, 83.3%; foodstuffs, 49.5%; confectionery, 32.5%; radio receiving sets, 60.7%; tobacco, 56.8%, and miscellaneous, 53.0%.

National network advertising declined in but four fields. These decreases were as follows: Clothing, 3.7%; beverages, 9.5%; household equipment, 54.2%, and financial advertising, 49.2%.

Regional network advertising has experienced an increasing variety of sponsorship during the year. Automotive, beverage, confectionery, household equipment and tobacco advertisers have made important use of regional network facilities during the year for what is at least the first time in some months.

Miscellaneous advertising of regional networks rose 165.0% during the latter half of 1934 as compared with the same period of the preceding year, increased political programs being the cause of this trend. Other important gains included 45.0% in gasoline and accessory advertising, 73.0% in clothing advertising, 82.0% in the drug and pharmaceutical field, 23.8% in cosmetic advertising and 34.9% in the food field. The principal decrease was in soap and kitchen supply advertising, which was almost completely eliminated from the regional field.

In the national non-network field the most spectacular rise was in the tobacco field. Gross time sales to this industry were 165.0% greater during the latter half of 1934 than during the corresponding period of 1933. Other important increases included the following: Gasoline and accessories, 2.3%; clothing, 72.6%; drugs and pharmaceuticals, 52.6%; foodstuffs, 33.7%; household equipment, 76.0%; soap and kitchen supplies, 64.7%; financial advertising, 46.2%; radio receiving set advertising, doubled; and miscellaneous, 11.2%.

The following declines occurred in the national non-network field: Amusements, 25.0%; automotive, 31.0% cosmetics, 53.0%; beverages, 46.7%; confectionery, 54.5%; and department and retail store, 37.0%.

Increases in the local broadcast advertising field included clothing, 2.1%; cosmetics, 3.0%; beverages, 18.2%; household equipment, 17.2%; radio sets, 74.1%; and miscellaneous, 8.8%. The following fields declined: Amusements, 25.3%; automotive, 10.3%; gasoline and accessories, 7.3%; drugs and pharmaceuticals, 31.4%; foodstuffs, 12.5%; confectionery, 46.5%, soap and kitchen supplies, 58.7%; financial, 7.8%; and department stores, 13.5%. It will be noted that, for the most part, the smallest declines took place in the more important fields of local broadcast advertising. Local tobacco advertising remained unchanged in volume.

A comparison of retail advertising in 1934 with any previous period is impossible due to the fact that the retail classification was first undertaken during the late months of 1933. Retail broadcast advertising during the year just passed is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING

(1934)

Type of Sponsoring Business	*Gross Time Sales*	
Automobiles and accessories:		
Automobile agencies and used car dealers	$594,400	8.3%
Gasoline stations, garages, etc.	525,997	7.3%
Clothing and apparel shops	1,681,573	23.3%
Drugs and toilet goods:		
Drug stores	180,220	2.5%
Beauty parlors	59,358	.8%
Food products:		
Grocery stores, meat markets, etc.	568,157	7.9%
Restaurants and eating places [1]	222,461	3.1%
Beverage retailers	11,187	.2%
Confectionery stores, etc.	23,535	.3%
Household goods:		
Household equipment retailers [2]	413,340	5.7%
Furniture stores	612,223	8.5%
Hardware stores	134,525	1.8%
Radio retailers	145,805	2.0%
Department and general stores	1,351,282	18.7%
Tobacco shops	8,896	.1%
Miscellaneous	650,109	9.5%
Total	$7,183,069	100.0%

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[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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RECOMMENDS COMMISSIONERS' CONFIRMATIONS

The Senate Committee on Interstate Commerce on Tuesday reported favorably to the Senate the nominations of Commissioners Sykes, Brown, Stewart, Payne, Walker, and Case. It is expected they will be confirmed before the end of the week. Commissioner Prall was previously confirmed by the Senate.

The report of Chairman Wheeler's committee followed extensive hearings which were concluded last Saturday morning.

COPYRIGHT UNION TREATY CONSIDERED

The Senate Foreign Relations Committee on Wednesday considered in executive session a resolution providing for the ratification of the International Copyright Convention. Adherence to the convention was opposed by the broadcasters and many other users of copyrighted works of all kinds during the last session of Congress. These groups are still opposed to ratification.

Adherence to the convention would bind the United States to pass new copyright legislation in line with the terms of the convention. The convention provides for automatic copyright, abolition of all formalities such as registration and notice, divisibility of copyright, and, among other things, would recognize the moral right of any composer or author to protect mutilation of his work by injunction.

The Committee, it is understood, will continue consideration of this matter next week. Ratification was supported by the State Deparment during the last session of Congress.

Senator Duffy, Wisconsin, is chairman of the subcommittee considering the matter.

SHEPARD HEADS MASSACHUSETTS COMMITTEE

Organization of the Massachusetts State Committee of the National Association of Broadcasters was completed at a meeting of broadcasters held at Boston on Tuesday. Managing Director Loucks served as chairman pro tem and explained the purposes of the committee and conducted the elections which resulted in the selection of John Shepard Third, WNAC, Boston, as chairman; J. J. Storey, WTAG, Worcester, vice chairman; and A. S. Moffat, WMAS, Boston, secretary. In addition to the above, the following were present: Roy Harlow, WAAB, Boston; Ira L. Grimshaw, WBZ, Boston; Joseph Groce, WEEI, Boston; J. A. Holman, WBZ-WBZA, Boston; F. N. Maddix, WBSO, Babson Park; Al Pote, WMEX, Boston; E. E. Hill, Worcester; Robert Donahue, WLLH, Boston; Irving Vermilya, WNBH, New Bedford; W. T. Welch, WSAR, Fall River; and J. A. Farrer, Boston attorney.

The meeting considered several bills pending before the Massachusetts legislature and agreed to appear as a body before the Joint Judiciary Committee of the Legislature in opposition to bills which would require all stations to keep accurate records of all words spoken or sung over stations and which would subject stations to penalties for defamatory statements. Chairman Shepard, it was agreed, will appear as spokesman for the Committee at the hearings to be held Thursday morning.

STATE LEGISLATION

Oregon House Bill 148, introduced by Congressman Harrison, January 28, prohibiting the advertising of alcoholic beverages in any manner, noted in NAB Bulletin January 31, has been killed, but Senator Zimmerman et al. of Oregon introduced February 4 Senate Bill 154 which also prohibits the advertising of liquor, including radio.

Iowa has introduced and passed in the House a radio receivers tax bill. This bill has now gone to the Senate Judiciary Committee for action.

Illinois House Bill 143, introduced January 29, 1935, by Congressman Adamowski, brings radio broadcasting advertising under the provisions of the fraudulent advertising act.

New York Assembly Bill 765, introduced January 30 by Congressman Doule, adds a new section 555 to the Penal Law, making it a misdemeanor for any person other than a licensed physician or surgeon to broadcast surgical or medical advice.

Wisconsin Assembly Joint Resolution 42, introduced by Congressman Blomquist, provides for a special joint legislative committee to confer with the Federal Communications Commission on the improvement of radio broadcasting in Wisconsin.

Washington H.T.N. XYZ provides for a new emergency revenue bill revising the business and occupational tax law, inheritance, and other statutes, and contains a retail sales tax of two and one-half per cent in lieu of the former half of one per cent tax on retail business.

LINE CHARGES TO BE STUDIED

A sweeping investigation of the corporate setup and charges of the American Telephone and Telegraph Company has been ordered by the Senate under the terms of a resolution reported favorably this week to the Senate by the Senate Committee on Interstate Commerce. A sum of $750,000 is provided for the investigation, which would be undertaken by the Federal Communications Commission.

Charges for broadcast lines and public address systems would be investigated under the terms of the measure.

The resolution (S. J. Res. 46), which was introduced by Senator Burton K. Wheeler of Montana, chairman of the Committee, reads as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is necessary, in aid of legislation by the Congress and for the use of governmental agencies, including State regulatory commissions, for the information of the general public, as an aid in providing more effective rate regulation, and for other purposes in the public interest, that accurate and comprehensive information be procured and compiled regarding the American Telephone and Telegraph Company and other telephone companies.

"SEC. 2. The Federal Communications Commission is hereby authorized and directed to investigate and report to the Congress on the following matters with respect to the American Telephone and Telegraph Company and all other companies engaged directly or indirectly in telephone communication in interstate commerce, inlcuding all of their subsidiary, affiliated, associated, and holding companies, and any other companies in which any of them have any direct or indirect financial interest, or which have any such interest in them, or in which any of their officers or directors hold any office or exert any control, or whose officers or directors hold any office or exert any control in them—

"(a) The corporate and financial history, and the capital structure and the relationship of such company and of its subsidiary, affiliated, associated, and holding companies, including the determination of whether or not such structure may enable them to evade State or Federal regulation or taxation, or to conceal, pyramid, or absorb profits, or to do any other act contrary to the public interest.

"(b) The extent and character of intercompany service contracts and all transactions between the telephone companies and their subsidiaries, affiliated, associated, or holding companies, and particularly between the American Telephone and Telegraph Company and the Western Electric Company and other manufacturers of electrical communication equipment; the methods of publishing telephone directories and placing and charging for advertising therein; the cost of and sale prices of telephone equipment, material, or devices to telephone operating companies or users; the profits upon such sales and the effect of such sales upon the rates or upon the rate base of operating companies when used as a basis for telephone charges in the various States or in interstate commerce; and the probable savings to telephone operating companies and the public by purchasing equipment under a system of competitive bidding.

"(c) The reasons for the failure generally to reduce telephone rates and charges during the years of declining prices; and the extent, if any, to which local subscribers or the users of toll service have borne the cost of the research developments for telephone equipment and appliances, radio, motion picture, and other inventions, including the maintenance and support of Bell Telephone Laboratories, Incorporated.

"(d) The effect of monopolistic control upon the reasonableness of telephone rates and charges, upon the methods of competition with independent telephone companies, and upon the character of services rendered, and the alleged unfair or discriminatory practices with respect to such companies, and with respect to radio broadcasting or public speaker 'hook-ups.'

"(e) The effect of mergers, consolidations, and acquisitions of control by telephone companies, including the determination of whether there has been any 'write-up' in the purchase price of property, equipment or intangibles, the fairness of the terms and conditions of any merger, consolidation, or acquisition, and the public interest therein, and the effect thereof upon rates or service.

"(f) The accounting methods of the companies, particularly with reference to depreciation accounting, apportionment of investment, revenues and expenses between State and interstate operations, employee pension funds, and valuation of properties for both rate and tax purposes.

"(g) The methods of competition with other companies or industries, including the determination of whether or not there has been any sale or refusal to buy from or sell to competing companies, or suppression of patents, and the expansion of the companies into fields other than telephone communication, including teletype service, telephoto service, telegraph service, broadcasting, motion and sound picture production and distribution, and the maufacture of electrical equipment, so far as such expansion may relate to or affect communications.

"(h) Whether or not the companies have sought through propaganda or the expenditure of money or the control of channels of publicity to influence or control public opinion, legislative or administrative action, or elections.

"Sec. 3. As used in the resolution the term 'company' shall include all subsidiary, affiliated, associated, and holding companies or corporations and all companies directly or indirectly associated or connected with telephone companies, either by direct or indirect stock ownership, interlocking directorates, voting trusts, holding or investment companies, or any other direct or indirect means.

"Sec. 4. The inquiry into certain practices of telephone carriers subject to the Communications Act of 1934, recently instituted by the Federal Communications Commission pursuant to its Telephone Division Order Numbered 11 and Statement of November 14, 1934, may be consolidated with the investigation required by this joint resolution in the manner and to the extent deemed desirable by the Commission.

"Sec. 5. For the purposes of this resolution the Federal Communications Commission is hereby authorized to hold hearings; to contract for stenographic reporting service; to utilize its regular personnel, facilities, jurisdiction, and powers insofar as practicable; and to employ for the purposes of this investigation such additional experts, including engineering, accounting, legal, and other assistants as may be found necessary, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, and to make such other expenditures, including necessary travel expenses, and expenditures for printing and binding, as it deems necessary. The Commission is also hereby authorized to have access to, upon demand, for the purposes of examination, and the right to copy, any books, papers, correspondence, memoranda, and other records of any person, partnership, company, or other organization being investigated, whether such books, papers, correspondence, memoranda, or records are in the possession of the company under investigation or are in the possession of other persons, firms, or corporations; to require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records which the Commission deems relevant or material to the inquiry, at any designated place of hearing within the United States; to administer oaths and affirmations, to require persons, partnerships, companies, or other organizations to submit to the Commission in writing reports and answers to specific questions, furnishing such information as the Commission may require relative to the inquiry. Such reports and answers shall be made under oath or otherwise as the Commission may prescribe and shall be filed with the Commission within such reasonable period as the Commission may prescribe, unless additional time be granted in any case by the Commission. In case of contumacy or the refusal to obey any subpena or other order issued hereunder, the Commission may invoke the aid of any court of the United States, within the jurisdiction of which such inquiry is carried on, or where such party guilty of contumacy or refusal to obey resides or has his place of business, in requiring obedience to such subpena or other order and any such court of the United States shall have jurisdiction to issue its order enforcing such subpena or other order of the Commission in whole or in part; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in such cases may be served wherever the defendant may be found.

"Sec. 6. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000, to be made immedaitely available to the Federal Communications Commission for the purposes of the investigation and report herein authorized and directed, and the Commission shall make special reports to Congress on its progress and its findings in this investigation."

BILL TO CLARIFY FTC ACT

A bill to clarify the Federal Trade Commission Act, introduced by Chairman Wheeler of the Senate Interstate Commerce Committee (S. 944), was reported favorably to the Senate Tuesday. The bill would amend Section 5 of the Federal Trade Commission Act of 1914 by substituting for the first two paragraphs of Section 5 the following language:

"Unfair methods of competition in or affecting commerce and unfair or deceptive acts and practices in or affecting commerce are declared unlawful.

"The Commission is empowered and directed to prevent persons, partnerships, or corporations, except banks and common carriers subject to the Acts to regulate commerce, from using unfair methods of competition in or affecting commerce and unfair or deceptive acts and practices in or affecting commerce."

RADIO LISTENERS ABOVE AVERAGE

Results of an educational self-test broadcast recently on the weekly radio program of the U. S. Office of Education reveal a more-than-average intelligence on the part of radio listeners.

The test broadcast by the Office of Education was conducted in the field of mathematics and was one of a series of similar tests which that branch of the government plans to broadcast in response to popular demand.

The tests were so designed that a normal group of adults would give correct answers to 5 of the 10 questions. The average of the radio listeners, however, was 7 out of 10.

In commenting upon the results of the test, Commissioner of Education John W. Studebaker stated that "Information gathered by the Federal Office of Education convinces us that those who provide public entertainment are overly pessimistic about the quality of American audiences. They have swallowed the myth that we are a nation of 12-year-olds."

COMMISSION GETS DEFICIENCY

The President has signed an omnibus bill which contains a deficiency appropriation of $480,000 for the Communications Commission. This amount of money is available from now until the end of the fiscal year, June 30, next. It is believed by members of the Commission that this will allow the Commission to go ahead with its many activities in the meantime.

RECOMMENDS NEW STATION

Abraham Shapiro applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Astoria, Ore., to use 1370 kilocycles, 100 watts power, and 7 a. m. to 8 p. m. time on the air. Ralph L. Walker (e), in Report No. I-20, recommended that the application be granted as to daytime hours but be denied in so far as it requests hours after local sunset.

The Examiner found that the applicant is qualified to construct and operate the proposed station and that there is no consistently satisfactory broadcast reception in the area the applicant proposes to cover. But he found that "the operation of the proposed station after sunset will interfere with the fair and efficient radio service of stations now in existence, while daytime operation will not result in such interference."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Federal Securities Commission under the Securities Act:

Unity Gold Production Company, New York City. (2-1268, Form A-1)
H. L. Gould, Oklahoma City, Okla. (2-1269, Form G-1)
Gold Eagle Gold Mines, Ltd., Toronto, Canada. (2-1270, Form A-1)
Palestine Economic Corporation, New York City. (2-1271, Form A-1)
Investors Fund C, Inc., New York City. (2-1272, Form A-1)
Valora Gold Exploration Company, Ltd., Toronto, Canada. (2-1273, Form A-1)
National Associated Dealers, Inc., New York City. (2-1274, Form C-1)

LLEWELLYN GETS HEARING

George Llewellyn, former radio inspector at the Atlanta office of the Federal Radio Commission, was given a hearing before the Communications Commission on Wednesday of this week relative to charges which resulted in his dismissal from the Commission's staff in 1932.

COMMUNICATIONS COMMISSION LEGISLATION

The Senate Committee on Interstate Commerce on Wednesday favorably reported out S. 1336, an amendment to the Communications Act which would allow the Federal Communications Commission to employ a chief accountant at $9,000 a year.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, February 11, 1935

WBNO—Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to Edward R. Musso; **1200 kc.**, 100 watts, share with WJBW.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license; **830 kc.**, 500 watts night, 1 KW LS at Denver, unlimited time.

WEEU—Berks Broadcasting Co., Reading, Pa.—Modification of license; **830 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **830 kc.**, 1 KW, daytime.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—License renewal; **830 kc.**, 1 KW, daytime.

WNAC—Shepard Broadcasting Service, Boston, Mass.—C. P., **830 kc.**, 5 KW, unlimited time (facilities WHDH).

Thursday, February 14, 1935

NEW—Norman Baker, Muscatine, Iowa.—C. P., **1170 kc.**, 5 KW, limited time.

APPLICATIONS GRANTED

WFIC—Spokane Broadcasting Corp., Spokane, Wash.—Granted
1120 C. P. to make changes in equipment and move studio and transmitter locally.

WPHR—WLBG, Inc., Petersburg, Va.—Granted modification of
880 C. P. to move transmitter to a location 1½ miles northeast of Petersburg; also to extend commencement date to 30 days from this date and completion date to 60 days hereafter.

WSGN—R. B. Broyles Furniture Co., Birmingham, Ala.—Granted
1310 modification of C. P. extending completion date to February 15, 1935; also granted license covering C. P.; **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

WMBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted
1430 authority to determine operating power by direct measurement of antenna.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted
1410 C. P. to make changes in equipment and increase day power from 250 watts to 500 watts.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Granted C. P.
570 to make changes in modulation system.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted modification of
550 C. P. to extend commencement date to January 29, 1935, and completion date to April 29, 1935.

WSPA—Virgil V. Evans, d/b as the Voice of South Carolina,
920 Spartanburg, S. C.—Granted modification of C. P. to make changes in equipment.

KIT—Carl E. Raymond, Yakima, Wash.—Granted modification of
1310 C. P. to extend commencement date to January 10, 1935, and completion date to April 11, 1935.

WDAF—The Kansas City Star Co., Kansas Ctiy, Mo.—Granted
610 authority to determine operating power by direct measurement of antenna.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted license to cover
1500 C. P.; **1500 kc.**, 100 watts night, 250 watts day, specified hours.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted
620 license covering C. P. authorizing changes in equipment and increase in day power from 500 watts to 1 KW; 500 watts night, **620 kc.**, unlimited time.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted license to
1320 cover C. P. authorizing changes in equipment and increase in day power from 1 KW to 2½ KW; 1 KW night, **1320 kc.**, unlimited time.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted
1430 modification of license to increase day power from 500 watts to 1 KW.

WTAW—Agricultural & Mechanical College of Texas, College
1120 Station, Tex.—Granted modification of license to change hours of operation from daily except Sundays, 11:50 a. m. to 12:30 p. m.; Sundays only, 8:30 to 9:30 a. m.; Mondays and Fridays, 8 to 9 p. m., CST, to: Daily, except Sundays, 12 noon to 12:50 p. m.; Sundays only, 8:30 to 9:30 a. m.; Mondays and Fridays, 8 to 9 p. m.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted
580 modification of license to use old 1-KW transmitter as auxiliary when licensed for 2½ KW.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted modifica-
1310 tion of license to make changes in specified hours.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—
1240 Granted special experimental authorization to operate on **1240 kc.**, 1 KW power, from 1 to 6 a. m., CST, for period February 11 to March 1, 1935.

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Granted
570 special experimental authorization to operate on **570 kc.**, 500 watts, from 1 to 6 a. m., CST, period February 11 to March 1, 1935.

W9XBY—First National Television, Inc., Kansas City, Mo.—Granted license to cover C. P.; **1430 kc.**, 1 KW, unlimited time. (Exp.-Exp. Broadcast.)

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted C. P. (gen. exp.), **31600, 35600, 38600, 41000, 86000-400000 kc.**, 50 watts.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo., Portable-Mobile.—Granted C. P. (gen. exp), **31600, 35600, 38600, 41000, 86000-400000 kc.**, 50 watts.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo., Portable-Mobile.—Granted C. P. (gen. exp), **31600, 35600, 38600, 41000, 86000-400000 kc.**, 1½ watts power.

SPECIAL AUTHORIZATIONS GRANTED

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted extension of special temporary authorization to continue operating daily until 6:30 p. m., CST, and on Sunday nights beginning at 9:30 p. m., CST, with reduction of power to 1 KW, for term beginning February 1 and ending August 1, 1935. (Action of January 8 reconsidered.)

KALE—KALE, Inc., Portland, Ore.—Granted special temporary authorization to operate from 7:30 to 8 p. m., PST, February 9, 11 and 16, 1935, and March 2, provided station KFJR remains silent, in order to broadcast college basketball games.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted special temporary authorization to operate from 2 to 3 a. m., CST, February 17, 1935, in order to broadcast DX program.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authorization to operate a 20-watt portable transmitter on **1420 kc.** in vicinity of Ponce, P. R., between 1 and 6 a. m., AST, for period not to exceed 30 days, to determine location for transmitter. (The Commission reconsidered its action of January 11, 1935, in granting the above authority and granted same for the period beginning March 1 and ending March 30, 1935. Call letters changed to WPRF from WMFK on January 18, 1935.)

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—C. P. to make changes in equipment and increase power from 250 watts to 1 KW.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 658 Tire & Vulcanizing Co., Springfield, Tenn.—C. P. (amended re frequency) to move transmitter and studio from Springfield to Nashville, Tenn.; change frequency from **1210 kc.** to **1370 kc.**

NEW—Eugene DeBogery, d/b as Brownsville Broadcasting Co., Brownsville, Tex.—C. P. for new station; **1370 kc.**, 100 watts, unlimited time.

WBAA—Purdue University, W. Lafayette, Ind.—Modification of license for additional hours: 7 to 8 p. m., Mondays, Wednesdays, and Fridays. No change **890 kc.**, 500 watts night, 1 KW day.

WRBZ—James F. Kyler, Ponca City, Okla.—Consent to involuntary assignment of license from Charles Lewis Carrell (deceased) to James F. Kyler, representative of Adelaide Lillian Carrell, widow of licensee.

MISCELLANEOUS

W8XO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental station license for experimental service, effective February 21, 1935, to expire May 21, 1935, in exact conformity with existing license.

NEW—Herbert H. Fette, Meriden, Minn.—C. P. for new station, **1310 kc.**, 100 watts, daytime hours, heretofore set for hearing, was dismissed at request of applicant.

NEW—Liner's Broadcasting Station, Inc., Alexandria, La.—C. P. to erect a new station at Alexandria, **1370 kc.**, 100 watts, daytime only, heretofore set for hearing, was dismissed at request of applicant.

NEW—Federal Broadcasting Corp., New York City.—C. P., **810 kc.**, 500 watts day, limited time (facilities of WNYC), heretofore set for hearing, was denied because applicant failed to file appearance and statement of facts in accordance with Rule 48 (b).

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Denied petition that Commission reconsider its action in refusing to grant authority to operate with 25 KW at night. Application ordered to hearing docket.

WHBL—Press Publishing Co., Sheboygan, Wis.—Denied petition that Commission reconsider its action in designating the application for modification of license for hearing and grant same. Applicant seeks authority to operate on **1300 kc.**, 250 watts night, 500 watts day, unlimited time. Application to be heard as heretofore ordered by the Commission.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Denied petition that Commission reconsider its action in designating for a hearing application for C. P. to authorize changes in equipment and increase in day power to 5 KW. Application to be heard as heretofore ordered.

NEW—Miss. Broadcasting Co., Inc., E. St. Louis, Ill.—Reconsidered and granted application for C. P. for new broadcasting station at E. St. Louis, Ill., to operate on **1500 kc.**, 100 watts night and day.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Denied petition to continue the hearing on application of Radio Service, Inc., for the establishment of a new station at Redlands, Calif., to operate on **820 kc.**, 100 watts, daytime.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Denied petition to continue the hearing of J. C. and E. W. Lee for authority to erect a new station at Riverside, Calif.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted extension of 15 days from February 8, 1935, within which to file exceptions to Examiner's Report in re the application of said Stenger (WBAX), Docket Nos. 2327 and 2550, and of the Sunbury Broadcasting Corp. (WKOK), Docket Nos. 2419 and 2480.

NEW—Liner's Broadcasting, Inc., Alexandria, La.—Dismissed at the request of applicant his application for C. P. to erect a new station in Alexandria to operate on **1370 kc.**, 100 watts, daytime only.

WKEU—Radio Station WKEU, Lagrange, Ga.—Reconsidered and granted application to move station and studio to Griffin, Ga., and to operate during unlimited daytime hours. Protest of WRGA, Rome, Ga., dismissed.

Evangeline Broadcasting Co., Lafayette, La.—Granted authority to take depositions at Shreveport and Lafayette, La., in support of application for the construction of a new broadcasting station at Lafayette, La., to operate on **1310 kc.**, 100 watts, unlimited time.

American Medical Assn., Chicago, Ill.—Denied petition to intervene at hearing of application of Norman Baker for C. P. to erect a new radio broadcasting station at Muscatine, Iowa. Action does not preclude Commission from offering any competent evidence which petitioner may have available for the hearing.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Denied special temporary authorization to operate with reduced power at new location authorized by C. P., for period January 31 to February 9, 1935.

APPLICATIONS RECEIVED

First Zone

WGNY—Peter Geolet, Chester, N. Y.—Construction permit to
640 change frequency from **1210 kc.** to **640 kc.**; install new equipment; increase power from 100 watts to 500 watts; change hours of operation from share-WBRB, WFAS, and WGBB to limited time; and move transmitter and studio from Robert Geolet Estate, Chester Township, New York, to site to be determined, probably Chester Township, New York.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modifica-
1250 tion of license to use transmitter of WNEW.

NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit
1210 to erect a new station to operate on **1210 kc.**, 100 watts, unlimited time. Amended as to location of transmitter.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of
1200 construction permit to erect a new station to operate on **900 kc.**, 500 watts, daytime, requesting change of frequency from **900 kc.** to **1200 kc.**, power from 500 watts to 100 watts, 250 watts day, hours of operation from daytime to unlimited, and extend commencement and completion dates. Also make changes in equipment.

NEW—The Hartford Times, Inc., John F. Rolfe, Treas., Hartford,
1200 Conn.—Construction permit for a new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

WOCL—A. E. Newton, Rochester, N. Y.—Construction permit to
1210 install new equipment, move transmitter from 840 N. Main St., Jamestown, N. Y., to Genesee Valley Trust Bldg., Broad and Exchange Sts., Rochester, N. Y., and studio from 122 W. Third St., Jamestown, N. Y., to Genesee Valley Trust Bldg., Broad and Exchange Sts., Rochester, N. Y., and increase power from 50 watts to 100 watts night, 250 watts day.

WESG—Cornell University, Ithaca, N. Y.—Special experimental
850 authorization to operate on **850 kc.**, 1 KW, daytime to sunset at dominant station (WWL), period ending 8-1-35.

Second Zone

WSAN—WSAN, Incorporated, Allentown, Pa.—Modification of
1440 license to increase power from 250 watts to 500 watts day and night.

WCBA—P. Bryan Musselman, Allentown, Pa.—Modification of
1440 license to increase power from 250 watts day and night to 500 watts day and night.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority
1450 to determine operating power by direct measurement of antenna.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construction
1420 permit to move transmitter from 2201 Broadway to northwest corner 8th and Terrell Sts., Paducah, Ky.

WMBG—Havens and Martin, Inc., Richmond, Va.—License to
1210 cover construction permit (B2-P-44) to increase power and make equipment changes.

Tom Warner, Mobile (Airplane), Cincinnati, Ohio.—Construction permit to erect a new broadcast pickup station to be operated on **2150 kc.,** 25 watts.

Third Zone

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—Construction
1500 permit to erect a new station to operate on **1500 kc.,** 100 watts, unlimited.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension
580 of special experimental authorization to operate with additional 750 watts, daytime, during period 3-1-35 to 9-1-35.

NEW—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—
1420 Construction permit to erect a new station to operate on **1420 kc.,** 100 watts, unlimited. Amended: Transmitter site to be determined, Pecos, Tex.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Construction
1410 permit to make equipment changes, increase day power from 2½ KW to 5 KW.

KFRO—Voice of Longview, Longview, Tex.—License to cover construction
1370 permit (3-P-B-3052) as modified to erect a new station on **1370 kc.,** 100 watts, daytime.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham,
1310 Ala.—Voluntary assignment of license to Ormond O. Black and Mary Collett Black (Lessees).

NEW—A. I. Chilton, Kilgore, Tex.—Construction permit to erect
990 a new station to operate on **990 kc.,** 500 watts, daytime.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—
1310 Construction permit to erect a new station to operate on **1310 kc.,** 100 watts, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—
1500 Modification of license to change frequency from **1200 kc.** to **1500 kc.** and hours of operation from share-WJBW to unlimited.

NEW—Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.
1730 —Construction permit to erect a new station to operate on **1370 kc.,** 100 watts, unlimited.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special
680 experimental authorization to use WE 6-B transmitter as an auxiliary during special experimental authorization period to operate until 11 p. m., EST, period ending 8-1-35 (power 1 KW).

NEW—Fred L. Packard, S. Hepp and Judge J. W. Shulman, d/b
1370 as Acme Broadcasting Co., Huntington Park, Calif.—Construction permit to erect a new station on **1300 kc.,** 500 watts, shares-KFAC. Requests facilities of KFAC. Amended to change frequency to **1370 kc.,** 100 watts power, daytime, and omit request for facilities of KFAC.

Fourth Zone

KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Construction
680 permit to install new equipment and increase power from 2½ KW to 5 KW day.

NEW—Oscar C. Hirsch, Cape Girardeau, Mo.—Construction permit
930 to erect a new station to operate on **930 kc.,** 1 KW, daytime.

NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new station to operate on **1370 kc.,** 100 watts, unlimited. Amended as to equipment and transmitter location.

NEW—Radio Chapel of the Air, Rev. Robert E. Connely, Pres.,
1370 Minneapolis, Minn.—Construction permit to erect a new station to operate on **1370 kc.,** 100 watts, unlimited.

NEW—Edward Hoffman, St. Paul, Minn.—Construction permit
1370 to erect a new station to operate on **1310 kc.,** 100 watts, unlimited time. Amended to change frequency from **1310 kc.** to **1370 kc.**

WIBU—Wm. C. Forrest, Poynette, Wis.—License to cover construction
1210 permit (B4-P-162) to increase day power from 100 watts to 250 watts and install new equipment.

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to move
1130 transmitter from Mooseheart, Ill., to Des Plaines, Ill.

WDGY—Dr. George W. Young, Minneapolis, Minn.—License to
1180 cover construction permit (B4-P-188) to increase day power and make equipment changes.

NEW—Walker Jamar, Duluth, Minn.—Construction permit to
1200 erect a new station to operate on **1200 kc.,** 100 watts, unlimited. Amended as to equipment.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification
600 of special experimental authorization to operate on 1 KW, 2½ KW day, with 5-KW transmitter, at new site to be effected when station begins equipment and program tests under terms of modification of construction permit, for period ending 3-1-35.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification
600 of construction permit (B4-P-181) authorizing change of transmitter site from approximately 5 miles from Waterloo, Iowa, to site to be determined near Cedar Rapids, Iowa, and studio from Third and Lafayette Sts., Waterloo, Iowa, to 3d Avenue and 3d St., Cedar Rapids, Iowa, requesting approval of transmitter site as Marion Township, Iowa; to install new equipment and extend commencement date to 60 days after grant and completion date to 90 days thereafter.

W9XAL—The First National Television Corp., Kansas City, Mo.— License to cover construction permit for additional transmitter to operate on **42000-56000, 60000-86000 kc.,** 150 watts.

WMFG—Head of the Lakes Broadcasting Co., Duluth, Minn.—
1210 Modification of construction permit to erect a new station on **1210 kc.,** 100 watts, unlimited time, requesting extension of completion date from 2-16-35 to 5-16-35.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modification
1430 of construction permit (B4-P-182) authorizing move of transmitter from 3d Ave. and 3d St., Cedar Rapids, Iowa, to site to be determined near Des Moines, Iowa, and studio from Montrose Hotel, 3d Ave. and 3d St., Cedar Rapids, Iowa, to 715 Locust St., Des Moines, Iowa, requesting approval of transmitter site as north of Des Moines, Iowa; to make changes in equipment and extend commencement date to 30 days after grant and completion date to 6 months thereafter.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction
900 permit to change frequency from **1440 kc.** to **900 kc.,** hours of operation from shares-WMBD to daytime only, and move transmitter from 600 State St. to 510 Main St., Quincy, Ill.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of
1440 license to change hours of operation from shares-WTAD to unlimited.

W9XEJ—Perkins Brothers Co., Portable-Mobile.—License to cover construction permit for general experimental station to operate on **31100 to 40-4600 kc.,** 2.7 watts.

Fifth Zone

NEW—Metro Broadcasting Co., A. Tornek and R. Lillie, Los
820 Angeles, Calif.—Construction permit amended to request authority to erect a new station on **820 kc.,** 250 watts, limited time.

KLS—E. N. and S. W. Warner, d/b as Warner Brothers, Oakland,
1280 Calif.—Modification of license to change frequency from **1440 kc.** to **1280 kc.,** hours of operation from daytime to unlimited, and power from 250 watts day to 250 watts day and night.

KGFL—KGFL, Inc., Roswell, N. Mex.—Modification of license to
1370 change hours of operation from share-KICA to specified hours (contingent upon the grant of application to KICA for specified hours).

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Modifi-
1370 cation of license to change hours of operation from share-KGFL to specified hours (contingent upon the grant of application to KGFL for specified hours).

NEW—Clark Standiford, Porterville, Calif.—Construction permit
1420 to erect a new station to operate on **1420 kc.**, 100 watts, unlimited.

NEW—Louis O. Holzman, Hilo, Hawaii.—Construction permit to
1420 erect a new station to operate on **1420 kc.**, 100 watts, unlimited.

NEW—Ward Walker, Seattle, Wash.—Construction permit to erect
760 a new station to operate on **760 kc.**, 250 watts night, 500 watts day, unlimited. Requests facilities of KXA.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Extension of
710 special experimental authorization to operate on **710 kc.**, 250 watts, unlimited time, for period ending 8-1-35.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification
560 of construction permit (5-P-B-3274) as modified authorizing installation of new equipment and increase of power from 1 KW to 1 KW, 2½ KW day, requesting installation of new equipment, increase of power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, and extension of commencement date to 60 days after grant and completion date to 180 days thereafter.

KGHL—Northwestern Auto Supply Co., Billings, Mont.—Exten-
780 sion of special experimental authorization to operate on **780 kc.** from 2-1-35 to 5-1-35.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS * * * *
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Copyright, 1934. The National Association of Broadcasters

ACTION ON COPYRIGHT UNION DEFERRED

The Senate Foreign Relations Committee on Wednesday postponed action until a later date on the International Copyright Union treaty.

The Department of State has consistently urged adherence by the United States to the international copyright treaty which would grant copyright on all literary and artistic works simultaneously throughout most of the civilized world.

When the treaty was up for consideration a year ago it was opposed by spokesmen for labor, newspaper publishers, book publishers, motion picture interests, broadcasters and other users of copyrighted works.

The treaty would make necessary broad revision of our existing copyright statutes providing for automatic copyright, that is, copyright without notice or registration, and would grant to the author or composer a right to prevent a mutilation of his work which might be prejudicial to his honor.

In deferring action on the treaty the Senate Committee directed the Department of State to call a conference of interested groups for the purpose of agreeing upon a bill to revise the copyright laws which would enable the United States to adhere to the treaty.

The groups which opposed the measure last year again voiced their objection to the measure, asking that no action be taken on the treaty until our domestic law was amended. The State Department has been engaged in drafting such amendments to our copyright laws and undoubtedly these will be made the basis of the conferences to begin shortly.

Nearly all interested groups are desirous of having revision of our antiquated copyright statutes but there is apparently a wide divergence of opinion as to the form such revision should take. For example, all users of copyrighted musical works are opposed to the statutory minimum of $250 which gives copyright owners, banded together, the power to arbitrarily fix license fees.

The question of copyright revision has been before Congress for many years but efforts to secure changes in the law have always been frustrated.

The conferences scheduled at present constitute the most important development in connection with the general subject of copyright in recent years.

Whether or not the Department of Justice, which has instituted an anti-trust suit against the American Society of Composers, Authors and Publishers, will participate in the State Department conferences is not known at this time.

RADIO ADVERTISING CONSIDERED

The following letter, addressed to Philip G. Loucks, Managing Director of the NAB, was received this week from George Dock, Jr., public relations adviser for the Federal Home Loan Bank Board:

"I am very glad that you called up this morning to protest against my recent letter, quoted in the press, with regard to the value of newspaper advertising in giving the public the facts about federal savings and loan associations. My opinion as to the advantages of newspapers as an advertising medium was specifically qualified to embrace their local character and field of operation, and has no bearing on the superiority of spot radio in reaching a wider public or of the radio networks and magazines in covering the entire nation.

"Incidentally, the point may be misunderstood from the newspaper article which you mentioned that federal funds are to be spent under this program for newspaper space for federal savings and loan associations. This is not at all the case. Every penny of newspaper space used for federal savings and loan advertising must be paid for entirely by the individual associations which place the advertisements. The same principle applies to the use of radio time, direct mail or any other form of advertising. Our only part in this advertising program is to prepare at every small cost, and send out to all associations some basic material which they can use if they see fit for direct mail, newspaper, radio or outdoor advertising. Many of the associations are using none of our material but are preparing all of their own advertising in their own offices. We strongly encourage this practice, our own part being simply to help these institutions in getting promptly under way as mutual thrift and lending agencies in the service of their local communities.

"As I mentioned on the telephone, there are some 700 federal savings and loan associations so far chartered and in operation, in about 650 different towns and cities. More than 600 of these associations are new organizations, whose small share capital and operating income could not permit the expenditure of more than a few dollars a month for advertising. Some cannot yet afford to advertise at all.

"In the initial stages of these associations during the past year, the use of direct mail advertising was imperative. Their immediate task was to enlist the savings of a nucleus of small and large investors personally known to the organizers. No money was available to reach a larger audience.

"As a result of such direct mail advertising, most of the new associations have recently increased their share capital and are getting into a position where they can afford to undertake broader advertising, in carrying out their program to make their merits clear to the people of the communities. As you perhaps know, a federal savings and loan association must confine its lending operations almost entirely within a 50-mile radius of its own offices.

"Some of the larger federals now in operation represent conversions from long-established building and loan associations. They, accordingly, have more substantial capital, and are able to do more extensive advertising than the new associations which represent so great a majority of all federals so far in operation. Many of the converted institutions are using paid radio advertising, and report splendid results. In fact, several of these converted federals have been using radio advertising consistently for years, even prior to their conversion into federal savings and loan associations, and we would urge their continuance of radio because it has proved profitable.

"In our opinion, any federal savings and loan association whose size and financial position justifies it, would benefit by the use of paid radio advertising. With that possibility in view among an increasing number of associations as time goes by, we have already laid plans for direct cooperation with all the federal associations in the preparation of local radio programs which will present the salient points of the federal savings and loan plan to the listening public, just as we have done in the past in the form of direct mail, and are doing now with regard to newspaper advertising. In other words, while we now advocate newspapers as the best immediate medium that is within the means of most federals, we are giving equal attention to radio as a subsequent step.

"The problem of media is largely a matter of cost. While hundreds of radio stations throughout the country have been most generous in contributing time to speakers dealing with federal savings and loan associations, it is only reasonable to look forward to the time when a considerable number of these thrift and home-financing institutions can afford to set up appropriations for regular paid radio broadcasting programs on a weekly or daily basis as an important integral part of their public relations effort.

"I hope this letter may make clear that my statement as to the merits of newspaper advertising in the light of the present stage of development of the federal savings and loan associations was in no way meant as a reflection against radio advertising in approaching the somewhat wider market involving a heavier advertising outlay. As I mentioned on the telephone, I was closely connected with one of the regular weekly radio programs for several years, have often had occasion to recommend radio advertising, and consider it one of the main potential methods by which the federal associations can develop their usefulness to the public. On the other hand, I hope that you will agree that under the circumstances which I have pointed out, newspaper space represents the most economical and efficient way in which these local institutions can undertake the immediate job of building beyond the small circle of personal and business acquaintances who form the initial organization of any such thrift institution."

WLW DECISION DEFERRED

Argument on the appeal of WLW against a decision of the FCC reducing WLW's night power from 500 kilowatts to 50 kilowatts was heard by the District of Columbia Court of Appeals on Monday, February 11. The court withheld its decision for a period of one week to allow it to examine the documents filed in the case, and continued the stay order previously granted until that time.

Counsel for WLW contended that the Commission had acted contrary to law in failing to renew its authority to use 500 kilowatts without a hearing. Counsel for the Commission argued that the matter was purely a political question and not one for the Court's consideration.

CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry, at its meeting on February 9, 1935, instructed the Executive Officer to present a plan for consideration at the next meeting looking to the creation of regional Code Authorities. The purpose of this plan is to facilitate the work of the Code Authority in expediting settlement of complaints.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Federal Securities and Exchange Commission under the Securities Act:

Standard Capital Company, Wilmington, Del. (2-1275, Form A-1)
George N. Armsby et al., New York City. (2-1276, Form F-1)
Murwood Gold Mines, Ltd., Toronto, Canada. (2-1277, Form A-1)
Federal Woods Products Corporation, Pikesville, Tenn. (2-1278, Form A-1)
Gyro Air Lines, Inc., Denver, Colo. (2-1279, Form A-1)
Northwestern Natural Gas Committee, Seattle, Wash. (2-1280, Form D-1)
Bondholders Committee, Adlon Apts., St. Louis, Mo. (2-1281, Form D-1)
M. M. Halligan, St. Louis, Mo. (2-1282, Form E-1)
Cavalier Oil Company, Houston, Tex. (2-1283, Form A-1)
Salt Dome Oil Corporation, Houston, Tex. (2-1284, Form A-1)
Corporate Equities, Inc., New York City. (2-1285, Form C-1)
Massachusetts Investors Trust, Boston, Mass. (2-1286, Form A-1)

COMMISSIONERS CONFIRMED

Federal Communications Commissioners Sykes, Brown, Case, Stewart, Walker and Payne were confirmed by the Senate February 7.

PRESIDENT SIGNS BILL

President Roosevelt announced Wednesday that he had signed a bill containing an appropriation of $480,000 deficiency for the Federal Communications Commission.

ARNOLD APPOINTED CHIEF EXAMINER

Col. Davis G. Arnold, of Rhode Island and Washington, was appointed this week by the Communications Commission to be the Chief Examiner to head the Examiners' Division. The Examiners' Division will be a separate department reporting directly to the Commission.

Colonel Arnold has served on the legal staff of the Commission since September 1, 1934. He has had wide experience in legal and organization work which, the Commissioners believed, especially qualified him for the task of setting up and prosecuting the work of the Examiners' Division.

FURTHER COMMISSION APPROPRIATIONS

The Senate this week, without discussion, passed the Wheeler resolution providing for an appropriation of $750,000 for the Federal Communications Commission with which to carry on its investigation of the American Telephone & Telegraph Company and other telephone companies and their subsidiaries.

A favorable report on a similar resolution has already been made to the House.

Senator King of Utah, during the passage of the resolution in the Senate, made an effort to have the amount reduced to $500,000, but Senator Wheeler was insistent on the full amount and that was the way it finally passed.

AMEND COMMUNICATIONS ACT

The Senate this week passed S. 1336, which allows the Federal Communications Commission to employ a chief accountant and not more than three assistants. The chief will be paid $9,000 a year salary. The Commission has been unable to employ a chief accountant because no provision was made in the original law for this position.

LICENSE RENEWAL APPLICATIONS DUE

According to FCC Rule 27, renewal applications from stations operating on the following frequencies are due March 1: 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1450, 1460, 1470, 1480, and 1490 kilocycles.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, February 18, 1935

KFBK—James McClatchy Co., Sacramento, Calif.—C. P., **1490 kc.**, 5 KW, unlimited time. Present assignment: **1310 kc.**, 100 watts, unlimited time.

NEW—Radio Service, Inc., Riverside, Calif.—C. P., **820 kc.**, 100 watts, daytime.

NEW—Radio Service, Inc., Redlands, Calif.—C. P., **820 kc.**, 100 watts, daytime.

NEW—Metro Broadcasting Co., East Los Angeles, Calif.—C. P., **820 kc.**, 100 watts, limited with WHAS.

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—A. H. Sconberg, Salinas, Calif.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—Bailey Brothers, San Diego, Calif.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—W. L. Gleeson, Salinas, Calif.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—J. C. and E. W. Lee, Riverside Broadcasting Corp., Riverside, Calif.—C. P., **820 kc.**, 250 watts, daytime.

NEW—Fred L. Packard and A. Rosenberg, Los Angeles, Calif.—C. P., **1160 kc.**, 250 watts, daytime.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—C. P., **1200 kc.**, 100 watts night, 250 watts day, 250 watts from 12 midnight to 6 a. m.; unlimited time.

NEW—Hauser Radio Co. (C. R. Hauser and John McGinniss), Ventura, Calif. (P. O. Los Angeles).—C. P., **1210 kc.**, 100 watts, unlimited time

NEW—Richard Field Lewis, Del Monte, Calif.—C. P., **1210 kc.**, 100 watts, daytime.

Wednesday, February 20, 1935

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Evangeline Broadcasting Co., Lafayette, La.—C. P., **1310 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WJMS—WJMS, Inc., Ironwood, Mich.—Granted C. P. to move
1420 transmitter locally in Ironwood.

WREC—WREC, Inc., Memphis, Tenn.—Granted C. P. to make
600 changes in equipment.

NEW—Milwaukee Broadcasting Co., Milwaukee, Wis. (site to be
1310 determined).—Granted C. P. for new station to operate on
1310 kc., 100 watts, daytime.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted
1370 modification of C. P. to extend completion date from 2-11-35
to 4-11-35.

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted modification of
1310 C. P. for approval of transmitter site and change studio to

same location; also extend commencement date to within 10 days after this date.

WFI—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification
560 of license to change hours of operation from sharing with WLIT to unlimited, and change call letters.

WAGF—John T. Hubbard and Julian G. Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—Granted C. P. to make changes in equipment, increase day power from 100 to 250 watts, and change hours of operation from daytime and specified hours Sunday to daytime only.

WHEF—The Attala Broadcasting Corp., Kosciusko, Miss.—Granted
1500 C. P. to move transmitter locally 200 feet from present location.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted extension of
550 special experimental authority to operate with 1 KW day and night for period ending September 1, 1935; frequency **550 kc.**, unlimited.

W9XEJ—Perkins Bros. Company, Portable-Mobile, Sioux City, Iowa.—Granted license to cover C. P., **31100** to **40-4600 kc.**, 2.7 watts.

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Granted
1550 license to cover C. P. (exp. broadcast), **1550 kc.**, 1 KW, unlimited.

W9XAL—First National Television Corp., Kansas City, Mo.—Granted modification of license for an additional transmitter.

NEW—E. R. Irey and F. M. Bowles, Portable (Calif.).—Granted C. P. (exp. broadcast pickup), frequencies **31100**, **34600**, **37600** and **40600 kc.**, 30 watts.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—
1370 Granted special temporary authorization to operate from 8:15 to 9:15 p. m., CST, February 15th, in order to broadcast local election results. Also to operate 6:30 to 9:15 p. m., CST, February 18th.

SET FOR HEARING

NEW—P. A. McBride, Ironton, Ohio.—C. P. for new station;
1500 **1500 kc.**, 100 watts, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P. to
1270 make changes in equipment and increase day power from 2½ to 5 KW.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of
1390 C. P. to change frequency from **1200 kc.** to **1390 kc.**; change time of operation to daytime only, or until 7 p. m. when sunset occurs before 7 p. m.; and extend commencement date from 11-10-34 to 10 days of grant and completion date from 2-11-35 to 60 days thereafter.

WBCM—James E. Davidson, Bay City, Mich.—Modification of
1410 license to increase day power from 500 watts to 1 KW.

KVL—KVL, Inc., Seattle, Wash.—Modification of license to change
1070 frequency from **1370 kc.** to **1070 kc.** and surrender 100 watts night-time operation and increase day to full-time operation.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modifica-
630 tion of license to change frequency from **1240 kc.** to **630 kc.**

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 C. P. to increase night power from 1 KW to 5 KW and and move transmitter to site subject to Commission's approval; to be heard before the Broadcast Division en banc on March 27, 1935.

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—
1370 C. P. for new station; **1370 kc.**, 100 watts, unlimited time (site to be determined).

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—
1290 C. P. to make changes in equipment and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P. to change
1350 frequency from **1210 kc.** to **1350 kc.**; change power from 100 watts night, 250 watts day, to 500 watts; install new equipment; and change transmitter location to intersection of Broad Street Road and Staples Mill Road, near Richmond, Va., employing directional antenna.

KPRC—Houston Printing Co., Houston, Tex.—Special experimental
920 authority to increase night power from 1 to 5 KW. (Licensed on **920 kc.**, 1 KW night, 2½ KW day, unlimited time. Has special authority to use 5 KW day.) To be heard before the Broadcast Division March 27, 1935.

KMAC—W. W. McAlister, San Antonio, Tex.—Special experimental
940 authority to move transmitter to location near San Antonio, make changes in equipment, change frequency from **1370 kc.** to **940 kc.**, increase power from 100 watts to 1 KW, and increase hours of operation from sharing with KONO to unlimited. Formerly requested **1290 kc.**; now amended to request **940 kc.** under S. A.

NEW—Centenial Broadcasting Corp., Dallas, Tex. (exact trans-
1200 mitter site to be determined).—C. P. for new station; **1200 kc.**, 100 watts, unlimited (formerly filed in name of Neth L. Leachman and amended as to name January 2, 1935).

NEW—Harold Rieth, Goshen, Ind.—C. P. (exp. visual broadcasting), **42000-56000**, **60000-86000**, **2000-2100**, **2750-2850 kc.**, 30 watts (amended 11-24-34 to change class of station; formerly requested gen. exp. frequencies). To be heard March 20, 1935.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-17: T. B. Lanford, R. M. Dean, and L. M.
1500 Sepaugh, d/b as Calcasieu Broadcasting Co., Lake Charles, La.—Granted C. P. for new radio broadcasting station at Lake Charles, La., to operate on frequency **1500 kc.**, 100 watts, unlimited time, sustaining Examiner R. H. Hyde.

MISCELLANEOUS

Iowa State Medical Society—Denied petition to intervene at the hearing of the application of Norman Baker for a permit to erect a radio broadcasting station at Muscatine, Iowa, to operate on **1170 kc.**, 5 KW power, daytime. Action does not preclude Commission from offering any competent evidence which petitioner may have available for the hearing.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Motion over-
610 ruled to disallow protest filed by stations WDAF, Kansas City, and KFRC, San Francisco, against the granting of application for special experimental authorization on **610 kc.**

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Suspended
610 grant of permission for experimental authorization to operate on **610 kc.**, and application designated for hearing because of protests of KFRC, San Francisco, and WDAF, Kansas City.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied request
1180 to operate temporarily with the present antenna pending the decision of the Commission on application to change the location of the station and install a directional antenna and operate unlimited time on the present assignment of **1180 kc.**

In the Matter of the Application of John Brownlee Spriggs for
1200 renewal of license, for assignment of license, and for C. P. to remove station to Elco, Pa.—It appearing that the licensee has filed under date of January 26, 1935, a voluntary surrender of the radio station license now held by him to operate station WNBO, at Silverhaven, Pa., to become effective as of March 1, 1935, it was ordered that said surrender of license be accepted and that the applications now pending before the Commission, hereinbefore described, be dismissed and the pending hearings thereon cancelled. It was further ordered that the temporary license under which said station is now operating be terminated as of 3 a. m., EST, March 1, 1935.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted ex-
560 tension of special temporary experimental authority to operate on **560 kc.**, 1 KW power night, sharing with WLIT, for the period beginning January 28, 1935, and ending in no event later than 3 a. m., EST, March 1, 1935.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted spe-
1250 cial temporary authority to use the transmitter now licensed to station WNEW as the main transmitter of station WHBI, and to use the present licensed transmitter of WHBI as an auxiliary transmitter of WHBI, pending action on modification of license, but for a period not to exceed 30 days.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Renewal of
1430 license removed from hearing docket and granted for regular period because application of WTJS for WNBR's facilities has heretofore been dismissed.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted extension of
560 special temporary authority to continue to operate on frequency of **560 kc.** for the period beginning February 3, 1935, and ending in no event later than 3 a. m., EST, April 1, 1935, and pending commencement of program tests of station WIS on frequency of **560 kc.**

APPLICATIONS RECEIVED

First Zone

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—License
1310 to cover construction permit (1-P-B-3221) as modified to erect a new station on **1310 kc.**, 100 watts, daytime.

NEW—Hearst Radio, Inc., Albany, N. Y.—Construction permit to
970 erect a new station to operate on **970 kc.**, 1 KW, unlimited.

Second Zone

NEW—Morton S. Zaller, Lakewood, Ohio.—Construction permit
1500 to erect a new station to operate on **1500 kc.**, 100 watts, unlimited.

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to
1210 make changes in equipment and move transmitter from 8 East Long Street, Columbus, Ohio, to 33 N. High Street, Columbus, Ohio.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License
1260 to cover construction permit (B2-P-119) as modified to move transmitter and studio and install new equipment.

Third Zone

NEW—Samuel Nathanuel Morris, Stamford, Tex.—Construction
1420 permit to erect a new station to operate on **1420 kc.**, 100 watts, specified hours. Requests facilities of KFPL. (Previous amendments withdrawn.)

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of spe-
680 cial experimental authorization to increase power from 1 KW to 5 KW for period ending 2-1-35. Amended requesting period ending 8-1-35.

NEW—Pope Foster, Mobile, Ala.—Construction permit to erect a
1500 new station to operate on **1200 kc.**, 100 watts, daytime. Amended requesting **1500 kc.**, 100 watts, unlimited time.

NEW—Palm Beach Broadcasting Service (Robert H. Eaves and
1370 F. E. Neel), West Palm Beach, Fla.—Construction permit to erect a new station to operate on **1370 kc.**, 100 watts, unlimited. Amended to change transmitter location from 635 Clementis, West Palm Beach, Fla., to 208 Evernia, West Palm Beach, Fla.; studio at same address.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction per-
630 mit to erect a new station to operate on **630 kc.**, 100 watts, unlimited.

NEW—G. D. Goff, Tampa, Fla.—Construction permit to erect a
1500 new station to operate on **1500 kc.**, 100 watts, unlimited.

NEW—H. K. Glass, M. C. Kirkland, Eustis, Fla.—Construction
1310 permit to erect a new station to operate on **1310 kc.**, 100 watts, 8 a. m. to 6 p. m., EST. Amended to change hours of operation to 6 a. m. to local sunset.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Au-
1280 thority to determine operating power by direct measurement of antenna.

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit
1370 to make change in equipment.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—
970 Construction permit to change frequency from **1300 kc.** to **970 kc.**, install new equipment, and increase power from 1 KW to 5 KW; also move studio from 208 South Miami Avenue, Miami, Fla., to 600 Biscayne Boulevard, Miami, Fla.

NEW—Florida Capitol Broadcasters, Tallahassee, Fla.—Construc-
1310 tion permit to erect a new station to operate on **1310 kc.**, 100 watts, unlimited time.

Fourth Zone

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Voluntary assign-
1330 ment of license to WHBY, Inc.

KABR—Aberdeen Broadcasting Co., Aberdeen, S. Dak.—License to
1420 cover construction permit (4-P-B-3205) for new station to operate on **1420 kc.**, 100 watts, daytime.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Construction per-
1330 mit to install directional antenna; move transmitter from Washington Township, Wis., to U. S. Highway No. 41, West DePere, Wis., studio from Eau Claire, Wis., to Bellin Building, Green Bay, Wis.; and change hours of operation from simultaneous day with KSCJ, specified hours night, to unlimited time.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Construction
1370 permit to install new equipment and increase day power from 100 watts to 250 watts.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction
1180 permit to increase power from 1 KW to 1 KW, 2½ KW day; change hours of operation from limited to unlimited; and make changes in equipment. Also move transmitter, exact site to be determined. Amended to make further changes in equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day (this already granted on C. P. 1-8-35).

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—
1500 Authority for transfer of control of corporation from R. W. Hoffman to Walter E. Klauer.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Transfer
1420 of control of corporation from WLBF Broadcasting Co. to the Kansas City Kansan.

NEW—Evansville on the Air, Inc., Evansville, Ind.—Construction
1370 permit to erect a new station to operate on **1370 kc.**, 100 watts, unlimited.

Fifth Zone

Louis Wasmer, Inc., Mobile.—Construction permit to erect a new general experimental station to operate on **34600, 40600 kc.**, 2 watts.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—
710 Modification of license to change hours of operation from limited time to unlimited time.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of construc-
1420 tion permit (5-P-B-2660A) as modified to install new equipment, increase day power from 100 watts to 250 watts, and change specified hours, requesting extension of completion date to 60 days after grant.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Construction per-
1200 mit to make equipment changes and increase power from 100 watts to 100 watts, 250 watts day (250 watts 12 midnight to 6 a. m.). Amended to omit request for 250 watts 12 midnight to 6 a. m.

W10XEV—Nichols and Warinner, Inc., Portable-Mobile.—License to cover construction permit to erect a new general experimental station to operate on **31100, 34600, 37600, 40600 kc.**, 2 watts.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Construction permit
590 to increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day; and move transmitter from Sprague Avenue and Post Street, Spokane, Wash., to site to be determined.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Authoriza-
710 tion to install automatic frequency control.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 Construction permit to install new equipment and increase day power from 2½ KW to 5 KW. Amended to make changes in proposed equipment.

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of
850 construction permit for changes in equipment and increase of power from 100 watts to 250 watts, requesting to move transmitter from corner Broadway and Glendale Blvd., Glendale, Calif., and studio from 701 E. Broadway, Glendale, Calif., to 5454 N. San Fernando Road, Glendale, Calif.; and make changes in authorized equipment. Amended to omit request for move of transmitter and studio.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 Construction permit to move transmitter and studio from Sixth and Central Avenues (Franciscan Hotel) to 420 Vassar Avenue, Albuquerque, N. Mex., also make changes in the antenna system. Amended to change proposed location from 420 Vassar Avenue to 5th and Central, Albuquerque, N. Mex.

APPLICATIONS RETURNED

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Con-
1410 struction permit to make changes in equipment and increase day power from 2½ KW to 5 KW (request of applicant).

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—
940 Construction permit to change frequency from **1300 kc.** to **940 kc.**; increase power from 1 KW to 1 KW night, 2½ KW day; install new equipment; and change studio from 208 South Miami Avenue to 600 Biscayne Blvd., Miami, Fla. (request of applicant).

ERRATA

On page 724 NAB Reports for February 7, 1935, the applications of WSAR, WSIX, Brownsville Broadcasting Co., WBAA and WRBZ were erroneously reported as having been granted, whereas a heading "Set for Hearing" should have appeared above these applications.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS
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Copyright, 1934, The National Association of Broadcasters

COPYRIGHT CONFERENCE SATURDAY

The views of the broadcasting industry upon the proposed adherence by the United States to the International Copyright Union treaty will be laid before the Department of State by the National Association of Broadcasters next Saturday morning. Later the views of the American Society of Composers, Authors and Publishers will be given to the Department.

The conferences at the Department have been called at the request of the Senate Foreign Relations Committee which body has before it the question of ratification of the Convention for the Protection of Literary and Artistic Property. The Department is drafting a revision of the present copyright laws of the United States to enable this country to adhere to the copyright convention.

Virtual agreement has been reached between the motion picture exhibitors, hotels and broadcasters with respect to provisions of the proposed bill and these interests will present their recommendations to the Department at the same time. Labor, newspaper publishers and other interests will likewise present their views.

These conferences constitute the most important development in the copyright situation in many years. The Department of State, urged by the Roosevelt Administration, which has already urged ratification of the treaty, is endeavoring to compose the opposition of various groups in order that it may within the next few days make specific recommendations to the Senate.

The broadcasters will present a number of amendments to the proposed draft of a bill the principal amendment being elimination of the $250 statutory damages provision of the present copyright laws.

The NAB will recommend that copyright owners be given the right to collect only such damages as they are able to prove in a court of law rather than a statutory amount.

PRESIDENT RECOMMENDS NRA EXTENSION

President Roosevelt sent to the Senate this week a strong message recommending that Congress pass legislation extending for two years the National Industrial Recovery Act. The act, if it is not extended, would expire on June 16 by its own limitation.

The President's message was interpreted here to mean that the administration is not only desirous of continuing the NRA but that it proposes to tighten up administration of codes.

The President used such language as: "The fundamental purposes and principles of the Act are sound. To abandon them is unthinkable. It would spell the return of industrial and labor chaos."

Dealing with the question of voluntary enforcement he said that "voluntary submission of codes should be encouraged but at the same time, if an industry fails voluntarily to agree within itself, unquestioned power must rest in the government to establish in any event certain minimum standards of fair competition in commercial practices, and, especially, adequate standards in labor relations. For example, child labor must not be allowed to return; the fixing of minimum wages and maximum hours is practical and necessary." On the labor question the President said:

"The rights of employees freely to organize for the purpose of collective bargaining should be fully protected."

Right in this connection Donald Richberg at a press conference stated that in his personal opinion, evidently shared by the administration, that the present section 7(a) will work out alright. He stated that there would be no need of changing this section at all, unless it can be clarified. It was apparent that he did not believe that it could be.

Dealing with the question of the anti-trust laws the President said in his message:

"The fundamental principles of the anti-trust laws should be more adequately applied. Monopolies and private price fixing within industries must not be allowed nor condoned. 'No monopoly should be private'. But I submit that in the case of certain natural resources, such as coal, oil and gas, the people of the United States need government supervision over these resources devised for the purpose of eliminating their waste and of controlling their output and stabilizing employment in them, to the end that the public will be protected and that ruinous price cutting and inordinate profits will both be denied."

Richberg explained how the suggestions for the message had been evolved during the past few months by continual conferences among all of the interested government departments and bureaus. These conferences were then followed by conferences with the President himself and then with members of congress who will be charged with the enactment of this extension legislation.

He asserted, in opposition to rumors current here, that no final bill had been sent to congress by the President with the intimation that they sign on the dotted line. He contends that the President simply submitted recommendations as a basis for legislation and that "no last word bill was sent to congress."

On the question of the imposition of codes on industry when it refused to write its own code Richberg said that the industrial recovery board has felt all along that there could be no imposition. He said that probably in the new law the imposition section would not differ greatly from the present law but "it will be clarified."

In his message the President said "in the development of this legislation I call your attention to the obvious fact that the way to enforce laws, codes and regulations relating to industrial practices is not to seek to put people in jail. We need other and more effective means for the immediate stopping of practices by any individual or by any corporation which are contrary to these principles." The President himself was not disposed at a recent press conference to interpret this but Richberg said that this could be obviated by a process of injunction or by the use of cease and desist orders by the federal trade commission. In this latter connection he intimated that congress might broaden the use of these orders of the commission and make them immediately applicable instead of the present slow process of enforcement of these orders. He said that such orders would meet the need of the code situation.

Richberg stated that "the filing of prices does not necessarily mean price fixing." During the course of this decision also he stated that "the steel basing point in itself is not price fixing."

WLW STAY ORDER DISSOLVED

The Court of Appeals on Monday dissolved the stay order under which Station WLW, Cincinnati, Ohio, has been operating since the Federal Communications Commission ruled that the station could no longer operate with 500 kw night-time power. The order was dissolved pending argument before the court on the merits of the case. The Commission, without hearing and solely on the complaint of Canada, ruled that the station discontinue its night-time operation with 500 kw and operate with but 50 kw after sunset. It was alleged that WLW was interfering with a Canadian station on 690 kc.

MANAGING DIRECTOR'S PLANS DELAYED

Daily rounds of conferences in connection with legislation and other matters of importance has caused delay in the plans of the Managing Director to visit the states for the purpose of forming state committees. He will resume his travels just as soon as pressure of work at headquarters is relieved.

FOOD AND DRUGS BILL ACTION

The Senate Committee on Commerce has referred to a sub-committee headed by Senator Bennett Clark of Missouri, the Copeland food and drugs revision bill (S 5). It is not yet determined whether the sub-committee will hold hearings on the measure.

While the NAB has taken no position with respect to the measure as a whole, it will vigorously oppose the provision in Section 708 (e) of the bill which states that "no retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which is not distributed or sold in interstate commerce by him or others." This amounts to a direct discrimination against radio broadcasting and in the judgment of the NAB should be opposed irrespective of such other changes as are made in the bill. The only purpose in including broadcasting in this provision is to discriminate against newspaper advertising and manifestly this is unfair and unjust. As long as this provision remains in the bill, broadcasters cannot be expected to give their support to the measure. This is particularly true inasmuch as the provision contributes nothing to the general purpose of the measure but on the other hand amounts to a direct discrimination against radio advertising.

CODE OFFICER IS ILL

James W. Baldwin, executive officer of the Code Authority for the Radio Broadcasting Industry is ill at his home. He is recovering but it will be a week or more before he will be able to return to his desk.

COMMISSIONER BROWN TO HOLD HEARINGS

The Broadcast Division of the FCC this week decided to hold three hearings outside of Washington, and designated Commissioner Thad H. Brown to preside. The hearings to be held are as follows:

San Antonio, Texas, March 15, 1935: Application of Mrs. Nellie H. Morris and W. C. Morris, a partnership operating Hotel Eagle, for authority to transmit programs from Hotel Eagle, Eagle Pass, Texas to Station XEPN, Piedras Negras.

San Antonio, Texas, March 25, 1935: Application of Farmers & Bankers Life Insurance Company, Station KFBI, for renewal of license.

Los Angeles, California, April 8, 1935: Application of Beverly Hills Broadcasting Corporation, Station KMPC, for renewal of license now pending before the Commission; and directing, under Rule 17, the following licensees to submit applications for renewal of license: Warner Brothers Broadcasting Corporation, Station KFWB, Ben S. McGlashan, Station KGFK, Radio Broadcasters, Inc., Station KRKD, and Cannon System, Ltd., all of which were designated for hearing.

LLEWELLYN REINSTATED IN FCC

As a result of a hearing held before the Federal Communications Commission, George Llewellyn, former radio inspector in the Atlanta office of the Federal Radio Commission, was reinstated in the field force of the FCC, occupying a rank similar to that formerly held. The re-instatement decision was made by the FCC on February 12.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Distributors Group, Inc., New York City. (2-1287, Form C-1)
New York Mine Company, Inc., Providence, R. I. (2-1288, Form A-1)
American Terminals & Transit Company, Henderson, Ky. (2-1289, Form E-1)
State National Life Insurance Company, St. Louis, Mo. (2-1290, Form A-1)
Mutual Industrial Bankers, Inc., Newark, N. J. (2-1291, Form A-1)

A. T. & T. INVESTIGATION APPROPRIATION

Effort was made this week to jam the $750,000 Rayburn resolution for the Federal Communication Commission's investigation of American Tel. & Tel. and other phone companies through the House of Representatives on the unanimous consent calendar. Opposition developed and so the resolution has gone to the regular calendar where it will be taken up in its regular order.

WHOM RENEWAL RECOMMENDED

Broadcasting Station WHOM, Jersey City, N. J., applied to the Federal Communications Commission for a renewal of license and construction permit. The station uses 1450 kilocycles, 250 watts power and unlimited time on the air. George H. Hill(e) in Report No. I-21 recommends that the license renewal be granted and that if the application for renewal be granted that a construction permit also be granted.

The Examiner found that the broadcasts over the station by Barbara Toy did not serve the public interest and that she has used the station "to deliver personal messages to private individuals." It was also found that programs broadcast over the station by the Hill Medical Office, Modern Medical Associates and Medicated Air Institute were "of doubtful public value." However, all of these programs have been discontinued by the station, and the Examiner states that other programs have had merit. He therefore recommends that the license be renewed.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, February 25, 1935

Hearing Before Broadcast Division

WINS—American Radio News Corp., New York, N. Y.—Special experimental authorization; **1180 kc.**, 5 KW, unlimited time. Present assignment: **1180 kc.**, 500 watts, limited time.

WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P., **1180 kc.**, 1 KW, 2½ KW LS, unlimited time. Present assignment: **1180 kc.**, 1 KW, 2½ KW LS, limited time.

Wednesday, February 28, 1935

NEW—Delbert E. Replogle (in the Boston area).—C. P., **1570 kc.**, 1 KW, variable hours.

APPLICATIONS GRANTED

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted
1290 C. P. to move transmitter locally and install new equipment.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted C. P. to
1380 move transmitter locally and make changes in equipment.

NEW—Jack W. Hawkins and Barney N. Hubbs, Pecos, Tex.—
1420 Granted C. P. for a new station to operate on **1420 kc.**, 100 watts, unlimited time.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted
950 C. P. to install new equipment and increase day power from 2½ KW to 5 KW, on **950 kc.**, unlimited time.

KCRC—Enid Radiophone Co., Enid, Okla.—Granted C. P. to make
1370 changes in equipment.

NEW—W. B. Greenwald, Hutchinson, Kans.—Granted C. P. for
1420 new station to operate on **1420 kc.**, 100 watts, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Granted license to
1370 cover C. P., **1370 kc.**, 100 watts, daytime.

KABR—Aberdeen Broadcasting Co., Aberdeen, S. Dak.—Granted
1420 license to cover C. P., **1420 kc.**, 100 watts, daytime.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—
1440 Granted authority to determine operating power by direct measurement of antenna input.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted
1250 modification of license to use transmitter of WNEW. Normally licensed on **1250 kc.**, 1 KW night, 2½ KW day, sharing with WNEW; WHBI 1/7 time and WNEW 6/7 time.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted
1370 modification of C. P. to change transmitter and studio location locally; also to change previously stated frequency monitor. Commencement date 5 days after grant; completion date 4-11-35.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—
1210 Granted modification of C. P. to extend completion date to 5-16-35.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license
1210 to cover C. P., **1210 kc.**, 100 watts night, 250 watts day, unlimited time except Sunday.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted modification of
1370 license to change hours of operation from sharing with KICA to specified as follows: 6 a. m. to 1 p. m.; 4 to 7:30 p. m., on **1370 kc.,** 100 watts.

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Granted
1370 modification of license to change hours of operation from sharing with KGFL to specified as follows: 7 a. m. to 4:30 p. m.; 7:30 p. m. to 12 midnight.

WREN—Jenny Wren Company, Lawrence, Kans.—Granted con-
1220 sent to voluntary assignment of license to WREN Broadcasting Company.

KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of
1230 special temporary experimental authority approving new site of transmitter (rural), selected after extensive survey, employing directional antenna.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted
1260 license to cover C. P., **1260 kc.,** 1 KW, unlimited time.

WREC—WREC, Inc., Memphis, Tenn.—Granted extension of spe-
600 cial temporary experimental authority to use 1 KW night and 2½ KW day power for period ending September 1, 1935.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted
580 extension of special temporary experimental authority to use 1 KW day power for period March 1 to September 1, 1935.

KIFO—Nichols & Warinner, Inc., Portable-Mobile (Long Beach, Calif.).—Granted C. P. (temporary broadcast pickup), frequencies **1622, 2060, 2150, 2790 kc.,** 200 watts.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile (Long Beach, Calif.).—Granted license to cover C. P. (general experimental), **31100, 34600, 37600, 40600 kc.,** 2 watts.

MISCELLANEOUS

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Suspended
920 grant for C. P. authorizing removal of transmitter and increase in power from 1 to 5 KW, LS, and designated application for hearing because of protest of station WAAF, Chicago.

W. K. Henderson, Shreveport, La.—Dismissed protest filed in re application of International Broadcasting Corp., filed July 21, 1934.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to
1350 strike the protest of KWTO, Springfield, Mo., requesting the Commission to designate for hearing the application of KWK for C. P. to make changes in equipment and increase its daytime power from 2½ KW to 5 KW. The application of KWK to make changes in equipment and increase day power to 5 KW was granted by the Commission on January 8, 1935.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Denied petition
630 asking Commission to reconsider and grant application to change frequency from **1440** to **630 kc.,** which has been designated for hearing.

WJW—WJW, Inc., Akron, Ohio.—Denied petition asking Com-
1210 mission to reconsider and grant application for increase in day-time power which has been designated for hearing.

WHBC—Edward P. Graham, Canton, Ohio.—Denied petition ask-
1200 ing Commission to reconsider and grant application for increase in day-time power which has been designated for hearing.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—
1010 Application to remove studio and transmitter, heretofore granted, was retired to closed files for want of prosecution.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Applica-
1200 tion to install new equipment, heretofore granted, was retired to closed files for want of prosecution.

SET FOR HEARING

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—C. P.
1500 for new station, **1500 kc.,** 100 watts, unlimited time.

NEW—Mid-Central Broadcasting Co. (J. E. Davidson, Jr., M. M.
1370 Smith, and J. M. Davidson), Kansas City, Mo.—C. P. for new station, **1370 kc.,** 100 watts, unlimited time (facilities of KWKC).

NEW—Walker Jamar, Duluth, Minn.—C. P. for new station, **1200**
1200 **kc.,** 100 watts, unlimited time. Site to be determined.

WHN—Marcus Loew Booking Agency, New York City.—C. P. to
1010 make changes in equipment and increase day power from 1 to 5 KW.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of
1440 license to increase power from 250 to 500 watts. (Has S. A. to use 500 watts. Licensed on **1440 kc.,** 250 watts, sharing with WSAN.)

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to
1440 increase power from 250 to 500 watts. (Has S. A. to use 500 watts. Licensed on **1440 kc.,** 250 watts, sharing with WCBA.)

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—
1500 Modification of license to change frequency from **1200 kc.** to **1500 kc.** and increase hours from sharing with WJBW to unlimited.

WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P. amended
1180 so as to request 5 KW equipment and 5 KW day power instead of 2½ KW.

NEW—Winger & Thomas, Chattanooga, Tenn.—C. P. amended to
1200 change frequency from **1420 kc.** to **1200 kc.** and hours of operation from day-time to unlimited. (Original permit requested 100 watts power; in hearing docket). To be heard by the Division en banc March 20, 1935.

NEW—Samuel Nathanuel Morris, Stamford, Tex.—C. P. amended
1420 so as to request **1420 kc.,** 100 watts, specified hours (facilities of KFPL).

NEW—Edward Hoffman, St. Paul, Minn.—C. P. amended so as
1370 to request **1370 kc.,** 100 watts, unlimited time.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Extension of special temporary experimental authorization to use additional 250 watts night power until September 1, 1935. (Licensed on **780 kc.,** 250 watts night, 500 watts day, unlimited time.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Ex-
570 tension of special temporary experimental authorization to use 500 watts night power for period ending September 1, 1935. (Normally licensed on **570 kc.,** 250 watts night, 1 KW day, unlimited.)

WLWL—Missionary Society of St. Paul the Apostle, New York,
810 N. Y.—Modification of license to change frequency to **810 kc.** and petitions relative thereto.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Norman F. Storm, Centralia, Wash.—C. P. for new station, **1500 kc.,** 100 watts.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to Edw. R. Musso.

KVOD—Colorado Radio Corp., Denver, Colo.—Modification of license to increase power from 500 watts to 1 KW, daytime.

NEW—D. E. Kendrick and W. E. Vogelback, Indianapolis, Ind.—C. P. for new station, **850 kc.,** 5 KW, unlimited.

KLS—Warner Bros., Oakland, Calif.—C. P. to install new equipment; change power to 250 watts night, 500 watts LS; and change hours of operation from day-time to unlimited.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—C. P. to make equipment changes; increase day power from 100 watts to 250 watts, specified hours; facilities of WDZ.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modification of special experimental authorization, **1290 kc., 550 kc.,** S. A., 1 KW, 5 KW; 1 to 6 a. m.

NEW—A. L. Boykin, tr. as Tallahassee Broadcasting Co., Tallahassee, Fla.—C. P. for new station, **1310 kc.,** 100 watts, unlimited time.

NEW—A. R. Montgomery, Findlay, Ohio.—C. P. for new experi-
1530 mental broadcast station to operate on **1530 kc.,** 1 KW, 6 a. m. to midnight.

ACTION ON EXAMINERS' REPORTS

February 19, 1935

KTAR—Ex. Rep. No. 1-2: KTAR Broadcasting Co., Phoenix,
620 Ariz.—Granted modification of license to increase night power from 500 watts to 1 KW; **620 kc.,** unlimited time. Examiner Geo. H. Hill sustained.

KGFK—Ex. Rep. No. 1-4: Red River Broadcasting Co., Inc., Moor-
1500 head, Minn.—Granted C. P. to move transmitter from 1 mile east of Moorhead and studio from 722 Center Ave., Moorhead, to Minnesota Point, Duluth, Minn.; **1500 kc.,** 100 watts, unlimited time; affirming action of Commission in granting application without hearing on January 30, 1935.

APPLICATIONS RECEIVED

First Zone

NEW—Frank Lyman, Jr., Portland, Maine.—Construction permit
1210 for a new broadcast station to be operated on **1210 kc.,** 100 watts, unlimited time.

Second Zone

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Authority for
890 transfer of control of corporation from A. M. Rowe, Inc., to West Virginia Broadcasting Corp.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—
1420 Special experimental authorization to operate simultaneously night with WEED for period of 60 days. Amended to request 30 days.

A. R. Montgomery, Findlay, Ohio.—Construction permit to erect
1570 a new experimental broadcast station to operate on **1570 kc.**, 1 KW, 6 a. m. to 12 p. m.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Extension of
880 special experimental authorization to operate with additional 250 watts power from 3-1-35 to 9-1-35.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Con-
1420 struction permit to move transmitter from 2201 Broadway to northwest corner 8th and Terrell Streets, Paducah, Ky. Amended in re geographical location.

Third Zone

NEW—Amon G. Carter, Fort Worth, Tex.—Construction permit
970 to erect a new station to operate on **970 kc.**, 5 KW, unlimited.

WPAX—H. Wimpy, Thomasville, Ga.—Construction permit to
1210 make changes in equipment and increase power from 100 watts day to 250 watts day.

NEW—Lawrence B. Holzman, Atlanta, Ga.—Construction permit
590 to erect a new station to operate on **590 kc.**, 250 watts night, 500 watts day, unlimited.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—
1410 License to cover construction permit (3-P-B-3289) as modified to increase power and install new equipment.

WJBY—Gadsden Broadcasting Co., Gadsden, Ala.—Authority for
1210 transfer of 25 shares of common stock from Mrs. Morel Montgomery to Bascom Hopson (1 share from R. M. Montgomery to Mrs. Kate T. Hopson).

NEW—D. B. Sutton, Miami, Fla.—Construction permit for a new
940 broadcast station to be operated on **940 kc.**, 500 watts power, unlimited time.

NEW—D. B. Sutton, Miami, Fla.—Construction permit for a new
1210 broadcast station to be operated on **1210 kc.**, 100 watts power, unlimited time.

NEW—Lafayette Advertiser Gazette Co., Inc., Lafayette, La.—
1310 Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts power, unlimited time.

NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit for
610 a new broadcast station to be operated on **610 kc.**, 250 watts night and 500 watts day power, unlimited time.

KOTN—William F. Chaplin, Pine Bluff, Ark.—Voluntary assign-
1500 ment of license to Universal Broadcasting Corp.

WDAE—Tampa Times Co., Tampa, Fla.—Extension of special
1220 experimental authorization to operate with 2½ KW day power, with equipment changes, from 4-1-35 to 10-1-35.

Fourth Zone

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construc-
920 tion permit to move transmitter from Live Stock Exchange Building, 1001 Exchange Avenue, Chicago, Ill., to Union Stock Yards, Chicago, Ill., and studio from Live Stock Exchange Building, 1001 Exchange Avenue, Chicago, Ill., to Palmer House, State and Monroe Streets, Chicago, Ill.; also install new equipment and change hours of operation from day-time to unlimited time, using 500 watts power.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construc-
1120 tion permit to erect a new station to be operated on **1120 kc.**, 250 watts power, unlimited. Amended as to transmitter location.

WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to
1310 make equipment changes and increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day; also change hours of operation from simultaneous day, share WTRC night, to unlimited time. Amended to omit request for unlimited time.

WMT—Waterloo Broadcasting Co., Des Moines, Iowa.—Extension
600 of special experimental authorization to operate with power of 1 KW, 2½ KW day, for period to 9-1-35.

WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to
1420 change frequency from **1210 kc.** to **1420 kc.**, and hours of operation from share WTAX to specified hours (6 a. m. to 10 p. m.).

WTAX—WTAX, Inc., Springfield, Ill.—Modification of license to
1210 change hours of operation from share WCBS to unlimited; facilities of WCBS (contingent on the granting of WCBS modification of license to change frequency to **1420 kc.**

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—
590 Modification of construction permit authorizing increase in day power from 1 KW to 5 KW and move of transmitter from Farnam Street at Fourteenth Street, Omaha, Nebr., to site to be determined, Nebraska; also install new equipment, requesting changes in equipment and approval of transmitter site, Blondo Street near 93d Street, Omaha, Nebr.

Fifth Zone

NEW—G. M. Electric Service Co., L. A. Meisner, Pres.; C. W.
1500 Mabbott, Radio Technician; W. J. Gavin, Business Manager, Stevensville, Mont.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts power, unlimited time. Amended as to frequency, power, and equipment.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction
920 permit to install new equipment; increase day power from 1 KW to 5 KW; move transmitter from West Waterway, Harbor Island, Seattle, Wash., to 136th Street South and Lake Burien Way, Section 18, Township 23 N., Range 4, E.W.M., Seattle, Wash.

KGEK—Elmer G. Beehler, Sterling, Colo.—Modification of license
1200 to change specified hours.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of con-
1200 struction permit to extend completion date from 2-11-35 to 3-15-35.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction
970 permit to move transmitter from 185th Street and 15th Avenue, N.E. Lake Forest Park near Seattle, Wash., to 136th Street South and Lake Burien Way, Section 18, Township 23 N., Range 4 E., W. M. Seattle, Wash.; install new equipment and increase power from 5 KW to 10 KW.

Benson Polytechnic School (Mobile), Portland, Ore.—Construction permit for a general experimental broadcast pickup station on **31600, 41000, 35600, 86000-400000 kc.**, 25 watts.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modifi-
1210 cation of license to increase power from 50 to 100 watts.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—
1500 Construction permit to erect a new station on **1500 kc.**, 100 watts, unlimited time. Amended as to equipment.

NEW—Walter L. Stricker and Chris Larsen, Rock Springs, Wyo.—
1210 Construction permit for a new station to be operated on **1210 kc.**, 100 watts, unlimited time. Amended as to equipment and approval of transmitter and studio location.

NEW—Victor B. Pitts, Raton, N. Mex.—Construction permit for a
1500 new station on **1500 kc.**, 50 watts, daytime. Amended as to equipment, hours of operation.

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.
1320 —Construction permit to move transmitter from 1752 Fern Street, Wakiki, Honolulu, Hawaii; studio from 119 Merchant Street to Kalakaua Avenue and Seaside, Honolulu, Hawaii; install new equipment, increase power from 250 watts to 1 KW. Amended as to transmitter and studio sites.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Con-
1210 struction permit to install new equipment, increase power from 50 to 100 watts night, 250 watts day.

NEW—Carl C. Struble, The Dalles, Ore.—Construction permit for
1200 new station to be operated on **1200 kc.**, 100 watts power, unlimited.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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COPYRIGHT BILL SOON READY

A new copyright bill, drafted with a view to enable the United States to adhere to the Convention of Berne for the Protection of Literary and Artistic Works, as revised at Rome in 1928, will soon be submitted to the Senate by the Department of State. The Department last week concluded conferences with groups interested in copyright law revision and immediately set about to reconstruct its former draft in the light of suggestions offered. It is expected that this work will be completed within the next week.

The preliminary draft of the State Department's bill was submitted to the Senate Foreign Relations Committee two weeks ago and the Committee directed the Department to hold conferences. Adherence of the United States to the International Copyright Union has been advocated by President Roosevelt and is being actively pushed by the State Department.

While the preliminary draft presented by the State Department, upon which conferences were held, would affect all users of copyright material, it would affect broadcasting in several important respects. While the NAB is not basically opposed to the protection of copyrights by international treaty, the Association pointed out to the Department that in any bill proposed certain protective measures must be included to prevent abuses against broadcasting stations.

Headed by Philip G. Loucks, managing director, the interests of the broadcasting industry were represented by E. Stuart Sprague, counsel for NBC; Sidney Kaye, counsel for CBS; Henry A. Bellows, NAB legislative chairman; and Oswald F. Schuette, Radio Program Foundation president.

Mr. Loucks called attention of the State Department to the fact that broadcasting was the only important user of copyrighted material to come into existence since the 1909 revision of the copyright laws; that broadcasting was the only important user of copyrighted material required to operate under Federal license in the public interest and not for the sole purpose of profit; that because our broadcasting system differed from government monopolies abroad, our copyright problem was likewise different.

Without going into details of the preliminary bill, briefly it was proposed by the NAB:

1. That the provision, "all the works of an author, whatever the mode or form of their expression," was too broad and too vague and it was suggested that "writings" be substituted for "works."
2. That provision be made to protect performance rights in transcriptions and phonograph records where such recordings were made prior to entrance of the United States into the Union, and that existing libraries of arrangements, adaptations and translations be protected.
3. That the requirements of notice and registration be retained for domestic copyright owners and that rights of foreigners for infringement be limited to the fair and reasonable value of a license where such foreigners fail to register and publish their works with notice.
4. That broadcasting be given the same protection as newspapers and periodicals with respect to injunctive relief.
5. That the copyright owner be required to elect as to whether he should sue for damages or profits but not both.
6. That the $250 minimum statutory damages for infringement be eliminated and that copyright owners be left to recover actual damages. In this connection the NAB supplied a large number of court decisions in which judges commented upon the unfairness of the $250 limitation and also pointed out that in no other union country are copyright owners given statutory damages. The American Hotel Association, through Harry P. Sommerville, chairman of that organization's legislative committee; and the Motion Picture Theater Owners Association, through Julian Brylawski, vice president, joined with the NAB in asking for the removal of minimum damages.
7. That reception of broadcast programs in hotels, restaurants, and small business houses be exempted from the payment of license fees.
8. That the time for bringing civil actions under the law be limited to 3 years.
9. That the so-called "moral rights" section be amended to prevent court action thereunder unless appropriate notice of what constitutes actionable deformation, mutilation or modification of a work is given by the author or composer.

In the event the bill, when finally introduced, is unsatisfactory to the broadcasting industry, the NAB will ask for hearings on the measure. The bill undoubtedly will go to the Senate Patents Committee.

The American Society of Composers, Authors and Publishers were represented at the conferences by Louis D. Frolich, law partner of Nathan D. Burkan, counsel for ASCAP, and E. Claude Mills, general manager of ASCAP. They said ASCAP favored entry into the Union and urged that this country first ratify the treaty and then revise our copyright laws. This is opposite to the policy of the NAB, which favors revision first and adherence later.

Mr. Frolich and Mr. Mills urged retention of the $250 minimum statutory damages as the only means of protecting the composer or author against what the former termed "piracy." He said there were no such things as "innocent infringements," in asking that the $250 minimum for such infringements be retained. They predicted the law cannot be passed if the $250 damage section is removed. They also objected to eliminating hotels, restaurants, and other places of business from the requirement of paying license fees for receiving broadcast programs.

Should all interested groups, or a substantial proportion of them, come into agreement on the State Department's final bill, and with the Administration urging ratification of the treaty, there is a strong possibility that the bill may receive consideration by Congress at an early date.

SENATE WILL PROBE NRA ABUSES

Full, open and complete investigation of the National Recovery Administration and code administration was voted by the Senate this week. A sum of $5,000 was voted to pay the expenses of the inquiry. The probe will be conducted by the Senate Finance Committee. The investigation will get under way immediately.

On the eve of the Senate action, Congressman William P. Connery, Jr., of Massachusetts, chairman of the House Labor Committee, in a radio address which was afterward published in the *Congressional Record*, attacked the radio broadcasting industry for its failure to reduce hours of work for radio technicians from 48 to 40 hours a week. "Apparently there is no force in the NRA or in the Federal Communications Commission strong enough or interested enough in the workers employed in the radio broadcasting industry to shorten these long hours," he said.

A hearing on this issue was held by the NRA last June but no agreement has been reached. Labor is urging a 30-hour week at the NRA and in Congress, and while the Senate investigation will embrace anti-trust and monopoly implications of the Recovery Act, it will deal largely with labor controversies.

In the meantime Attorney General Cummings promised early appeal to the Supreme Court of the United States in the two cases lost in the Federal courts this week by the Government. Judge John P. Nields in the Delaware District Court declared unconstitutional and void the collective bargaining clause (Section 7-a) as it applied to intrastate businesses, and on the same day Judge Charles I. Dawson in the Kentucky Federal Court restrained the Government from enforcing the bituminous coal code against 35 Kentucky coal operators.

FOOD AND DRUGS HEARING SATURDAY

Hearings on the latest revision of S. 5, the Copeland food and drugs bill, will be reopened Saturday (March 2) before a subcommittee of the Senate Interstate Commerce Committee, headed by Senator Bennett Clark of Missouri.

Fraught with controversy from the beginning the bill has had a stormy career through the present session of Congress and the hearings now scheduled are designed to compose differences between interested groups and unite them behind a satisfactory measure.

Members of the NAB, who are being deluged with letters from advertisers and interested groups, are urged to refer all such persons to the NAB with a statement that the matter is being handled by the Association in Washington. Since the bill was introduced, more than a year ago, Henry A. Bellows, as chairman of the NAB legislative committee, has followed every step in the bill's progress and he will testify before the Clark subcommittee Saturday. He will state that the NAB is neither supporting nor opposing the measure at this time but will register vigorous objection to the provision in the bill which discriminates against radio advertising. As long as this measure, or any other measure, contains provisions discriminating against radio advertising, the NAB will object to its passage.

RADIO CONTROL TO RAYBURN COMMITTEE

The long-standing conflict between the House Interstate and Foreign Commerce and the House Merchant Marine, Radio and Fisheries Committees over communications legislation jurisdiction was settled this week when the House of Representatives adopted a resolution amending the rules of that body and giving jurisdiction over communications to the House Interstate and Foreign Commerce Committee, headed by Congressman Sam Rayburn of Texas.

Congressman O. S. Bland of Virginia, chairman of the House Merchant Marine and Fisheries Committee, made a fight to retain jurisdiction over radio for his Committee but received an adverse ruling from the Rules Committee. Judge Bland's Committee, since Congress first gave consideration to radio legislation, has had jurisdiction of such legislation, but with the consolidation of telephone and telegraph regulation with radio, the House ruled that it was more logical that the Interstate and Foreign Commerce Committee, which always has had charge of telephone and telegraph matters, should consider all future radio bills. This Rayburn Committee had charge of the Federal Communications Commission bill which passed last session.

Democratic members of the House Interstate Commerce Committee are as follows:

Representative Sam Rayburn (Chairman), Texas; George Huddleston, Alabama; Clarence F. Lea, California; Robert Crosser, Ohio; Parker Corning, New York; Alfred L. Bulwinkle, North Carolina; Virgil Chapman, Kentucky; Paul H. Maloney, Louisiana; William P. Cole, Jr., Maryland; Samuel B. Pettengill, Indiana; Edward A. Kelly, Illinois; Edward A. Kenney, New Jersey; George C. Sadowski, Michigan; Joseph P. Monaghan, Montana; John A. Martin, Colorado; Edward C. Eicher, Iowa; Theodore A. Peyser, New York; Thomas J. O'Brien, Illinois; David D. Terry, Arkansas.

Republican members are: John G. Cooper, Ohio; Carl E. Mapes, Michigan; Charles A. Wolverton, New Jersey; James Wolfenden, Pennsylvania; Pehr G. Holmes, Massachusetts; Schuyler Merritt, Connecticut; B. Carroll Reece, Tennessee; and James W. Wadsworth, Jr., New York.

STATE LEGISLATION

State legislative proposals continue to threaten the security of broadcasting in various ways. The chief dangers lie in the efforts being made to impose special or general taxes on broadcasting revenues, despite the fact that broadcasting has been held to be wholly interstate commerce. There are also a number of efforts to enact special statutes regarding libel or slander by radio, extending the liability definitely to the stations.

Arizona House Bill 118 imposes an excise tax on practically all forms of business, and under the sections providing a tax of 1 per cent on gross revenues it specifically includes radio advertising.

Connecticut Senate Bill 257 prohibits the operation, on all highways within the state, of any motor car equipped with a radio receiving set, exception being made of police cars. It is difficult to see how such a measure could be enforced as applied to cars with other than Connecticut licenses.

Connecticut Senate Bill 411 sets up a general commission to control all transportation and communication facilities, including radio, within the state.

Delaware House Bill 377 regulates all forms of advertising of alcoholic liquor, but does not specifically refer to radio.

Georgia House Bill 561 imposes a general occupational tax on almost every form of business within the state, but as drafted it appears not to cover broadcasting or newspapers, though it provides a specific tax on advertising agencies.

Indiana House Bill 297 prohibits any person from advertising any alcoholic beverages by radio, newspaper, periodical or billboard.

Indiana Senate Bill 217 likewise restricts liquor advertising within the state.

Kansas Senate Bill 311 and House Bill 438 establish a sales tax on practically all sales of commodities and services, and specifically includes sales of radio advertising.

Maryland Senate Bill 134 prohibits the broadcasting of advertising by insurance companies not authorized to do business in the State of Maryland.

Massachusetts House Bill 165 limits the hours of employment of women and children in all forms of business, including radio.

Missouri House Bill 352 imposes a tax of 5 per cent on the gross receipts from sales of tangible property, including specifically radio receiving sets costing $50 or more.

Missouri House Bill 455 authorizes the state to sell and dispose of radio station WOS, which has been operated by the State Bureau of Markets.

New Mexico House Joint Resolution 27 provides for a legislative committee to investigate radio station KOB at Albuquerque.

New Mexico Senate Bill 1 provides for a 2 per cent tax on the gross business of amusement enterprises, including specifically radio broadcasting stations. Section 202 of this bill, however, provides that these taxes shall not apply to transactions in interstate commerce.

North Dakota Senate Concurrent Resolution "F" calls for an investigation of telephone rates within the state with special reference to the cost of radio hook-ups.

Oklahoma House Bill 222, providing a system of old-age pensions, includes a variety of taxes, including one of 50 cents for radio registration fees.

Pennsylvania House Bill 951 prohibits dentists, physicians, osteopaths, chiropractors and drugless therapists from advertising their professions in any way.

Washington House Bill 312 provides for the licensing of radio technicians who engage in any form of repair or installation of radio receiving sets.

Washington House Bill 346 declares that all news matter published in newspapers becomes public property immediately on publication except for purpose of resale. This bill is in line with the recent court decision on the subject in Washington, and seeks to make all news matter legally available for broadcasting immediately on publication. In view of the situation in the courts, it is obvious that this bill, if enacted, would immediately be attacked by the news associations, as it goes to the heart of the question of property rights in news.

Washington House Bill 494 forbids electrical interference with radio communication from noon to midnight.

Washington House Bill 526 provides for an assessment on every broadcasting station at the rate of 50 cents per watt annually. This appears to be a direct effort to impose a special state tax on an instrumentality of interstate commerce.

Washington House Bills 518 and 531 extend the application of the state libel laws to broadcasting stations and speakers using radio facilities.

Wisconsin Assembly Bill 271 creates a department of radio intelligence for the purpose of apprehending criminals.

A number of state legislatures are now in recess, but most of them will reconvene before the end of March. In many instances the first session is devoted largely to the introduction of bills, with action on them deferred to the second session. It is probable, therefore, that most of the pending legislative proposals affecting radio will come up for active consideration in the course of the next six or eight weeks.

ROOSEVELT TO INAUGURATE WOR 50 KW

President Roosevelt will press a key at the White House at 3:30 p. m. March 4, formally inaugurating the new 50-kilowatt transmitter installed by Station WOR. Governor Harold G. Hoffman of New Jersey will be among those who will speak during the dedicatory program. Important radio officials from New York and Washington will attend the dedication ceremonies.

ADVOCATES GOVERNMENT NETWORK

The Public Ownership League this week heard Bruce Bliven, editor of the *New Republic,* urge establishment of a nationally owned broadcasting system with Franklin D. Roosevelt as its general manager. "Through a series of historical accidents for which no one in particular is to blame, the radio has degenerated from a device whose main purpose is to aid the public into a device whose only purpose is to make money," Bliven said. "I do not suggest," he added, "that we do away with the private broadcasting that now goes on. It would not be hard to clear sufficient channels for the government broadcasting without displacing more than a very few at most of the 600 private stations in the United States, 90 per cent of which never under any circumstances broadcast anything worth hearing."

WOMEN TO STUDY PROGRAMS

The Women's National Radio Committee, embracing 21 women's organizations with a combined membership of 10,000,000 women, will make four awards for the best sustaining and best commercial programs on the air, it was announced by Mme. Yolanda Mero-Irion, advisory chairman of the Committee, this week.

Two of the awards will be for the best sustaining programs on the air and the other two for the best commercial programs. One award in each classification will be given for a musical program and one for a non-musical program. The presentations will be made at a luncheon on April 10, according to present plans.

The placing and the character of advertising in commercial programs will receive special consideration in the awards, Mme. Mero-Irion explained. She said that if in the opinion of judges the advertising is too long, too persistent or lacks the fundamentals of good taste, the program on which it appears, even though otherwise excellent, will be eliminated from consideration.

The judges will include: Fannie Hurst, novelist; Eva La Gallienne, actress; Mrs. Elmer James Ottaway of Port Huron, Mich., former president of the National Federation of Music Clubs; Mrs. Oliver Harriman, for many years president of the Women's Exposition of Arts and Industries; Mr. Walter W. Naumburg, head of the Naumburg Musical Foundation, and Mr. A. Walter Kramer, editor of *Musical America*. Mr. Kramer is chairman of the committee, and Mme. Mero-Irion, who, before her retirement from the concert stage a few years ago, was internationally known as a pianist, will be an ex-officio member.

METHODISTS UPHOLD FREE SPEECH

The Methodist Federation for Social Service at its recent meeting issued a statement calling upon Methodist ministers and laymen and upon churches, Epworth Leagues, Sunday schools, students' groups, women's organizations and bona fide patriotic organizations to exert pressure upon members of Congress in an effort to get them to vote against such legislation as might limit freedom of speech, freedom of the press or freedom of assembly and education.

EDUCATION MEETING MAY 6-8

The sixth annual institute for Education by Radio combined with the fifth annual assembly of the National Advisory Council on Radio in Education will be held at Ohio State University, Columbus, Ohio, May 6, 7, and 8.

The program committee, consisting of W. W. Charters as chairman, Levering Tyson, and George F. Zook, is now making arrangements for this joint conference, and detailed announcements will be made in the next month.

At this conference representatives will be present from college and university stations, commercial broadcasters, including representatives of the National Association of Broadcasters, the Columbia Broadcasting System, and the National Broadcasting Company; members of the Federal Communications Commission and other agencies of the federal government; and individuals from all parts of the country, including members of parent-teacher organizations, learned societies, and other educational associations and institutions.

The program will include an outline of possibilities for the development of educational broadcasting under the Federal Communications Act of 1934, a discussion of the educational problems of the college and university broadcasting stations, consideration of ways for organizing and supporting better and more popular programs for adults and children, as well as problems of finance. Emphasis will be placed upon the growing power of radio broadcasting as an instrument to reach the public for political or public purposes.

Techniques of presentation, and various ways of organizing listeners for local or national purposes in this and other countries will be reviewed. Demonstrations and clinics of recorded broadcasts will be held in connection with the meeting.

CONSTRUCTION PERMIT RULE CHANGED

The Federal Communications Commission issued the following statement in connection with construction permits:

"It has been observed that in many cases an incorrect estimate of the period of time required for construction necessitates the filing of a subsequent application for modification of the permit to authorize a later completion date. Frequently such applications for modification are not filed in conformity with Rule 11, which results in the expiration of the permit prior to action by the Commission on the application for modification.

"Effective immediately, all construction permits granted by the Commission normally will specify a completion date not less than six months subsequent to the date of commencement of construction specified thereon, regardless of the date of completion shown in the application. The permittee, however, may actually complete the installation and file formal application for license or modification. Although the minimum period of construction which normally will be authorized will be six months, a longer period than this may be requested in exceptional cases where reasons are submitted to show the need for such authority and the Commission will consider such cases.

"Applications for extension of the construction period which are not filed in accordance with Rule 11 and, as a result thereof, are not presented to the Commission for action prior to the date of expiration of the permit in question, will not be considered by the Commission. The applicant, however, may file application for a new construction permit which may be acted upon by the Commission as provided by Section 319 of the Communications Act of 1934."

RECOMMENDS BAKER DENIAL

Norman Baker filed an application with the Federal Communications Commission asking for a construction permit for a broadcasting station at Muscatine, Iowa, to use 1170 kilocycles, 5,000 watts power, to operate limited time. R. H. Hyde (e), in Report No. I-24, recommends that the application be denied as in cases of default.

Hearing on the application was set for February 14. The day before the date for the hearing a petition for a continuance of the hearing for a period of sixty days was received. The Commission denied the petition. No evidence was offered on behalf of the applicant.

NEW MINNESOTA STATION RECOMMENDED

The Southern Minnesota Broadcasting Company filed an application with the Federal Communications Commission for a construction permit for a new broadcasting station at Rochester, Minn., to use 1310 kilocycles, 100 watts power, unlimited time. R. H. Hyde (e), in Report No. I-22, has recommended that the application be granted.

The Examiner found that the applicant is qualified to own and operate such a station as proposed. Also that there is need for the new broadcasting service in and near Rochester, and that such a station would not interfere with existing service.

RECOMMENDS OHIO STATION

Application was filed with the Federal Communications Commission by the Ohio Valley Broadcasting Corporation asking a construction permit for a new broadcasting station to be located at Parkersburg, W. Va. The corporation asked for unlimited time on 1420 kilocycles, using 100 watts power. George H. Hill (e), in Report No. I-23, recommends that the application be granted.

It was found by the Examiner that the applicant is financially and otherwise qualified to own and operate such a station, that there is need for local service, and talent is available for the station. No objectionable interference would be caused to the service areas of any other licensed stations, and the proposed new station would serve public interest.

COURT UPHOLDS COMMISSION

The United States Court of Appeals for the District of Columbia has upheld the Federal Communications Commission in its order authorizing broadcasting station KWWG to move from Brownsville to Port Arthur, Texas.

The Court ruled that the move would not interfere with station KRVT, Beaumont, Texas, which protested that there was not room for two broadcasting stations in that part of the state.

RADIO COMMITTEE TO MEET

The American Section of the International Committee on Radio will hold a dinner meeting at the University Club, Washington, D. C., on March 4. There will be a discussion of the proposed new legislation covering communications, and of the recent C. C. I. R. meeting at Lisbon. Senator Wallace H. White, Jr., of Maine, president of the American Section, will preside.

MORE LAND FOR GRAND ISLAND

Representative Binderup of Nebraska has introduced a bill (H. R. 6095) to "authorize the Federal Communications Commission to purchase and enclose additional land at the radio station at Grand Island, Nebr." The bill, which has been referred to the House Committee on Merchant Marine, Radio and Fisheries, provides for the purchase of an additional tract of ten acres adjacent to the present monitoring station at $2,000.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Corporate Equities, Inc., New York City. (2-1292, Form C-1)
Kiley Brewing Company, Inc., Marion, Ind. (2-1293, Form A-1)
Bankers Bond & Mortgage Company, Philadelphia, Pa. (2-1294, Form E-1)
Bankers Bond & Mortgage Guaranty Co. of America, Newark, N. J. (2-1295, Form E-1)
Waco Development Company, Waco, Tex. (2-1296, Form D-1A)
Waco Development Company, Waco, Tex. (2-1297, Form E-1)

SEVERAL ANNALS COPIES AVAILABLE

Stations desiring copies of "Radio: The Fifth Estate," published as the January number of the Annals of the American Academy of Political and Social Science, are urged to place their orders with the Academy office, 3457 Walnut Street, Philadelphia, Pa., as soon as possible. Demand for the issue has been such that there are little more than 100 copies remaining.

The radio issue of the Annals is the most comprehensive discussion of American and foreign broadcasting to be published in several years. Contributors include William Hard, H. V. Kaltenborn, Glenn Frank, Morse Salisbury, Roy S. Durstine, Ewin L. Davis, chairman of the Federal Trade Commission; former Senator Clarence C. Dill, Louis G. Caldwell, James C. McNary, Technical Director of the NAB, and other prominent figures in American and foreign broadcasting.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Wednesday, March 6, 1935

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Renewal of license, **1160 kc.**, 10 KW, S-WWVA night.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Renewal of license, S-WOWO night.

Thursday, March 7, 1935

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of license, **1440 kc.**, 1 KW, unlimited time. Present assignment: **1440 kc.**, 500 watts, 1 KW LS, unlimited time.

WDNC—Durham Radio Corporation, Durham, N. C.—C. P., **590 kc.**, 1 KW, unlimited time. Present assignment: **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted
1180 modification of C. P. to make changes in antenna.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—
590 Granted modification of C. P. to extend commencement date to November 1, 1934, and completion date to May 1, 1935.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted
570 modification of C. P. extending commencement date to 4-18-35 and completion date to 7-18-35.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of
1420 C. P. extending completion date to 60 days after this date.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted modifica-
1200 tion of C. P. extending completion date to 3-15-35.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport,
600 Conn.—Granted license covering changes in equipment, increase in power from 500 watts to 1 KW day; **600 kc.**, 500 watts night, specified hours.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—
800 Granted application for consent to transfer control of Associated Broadcasting Corp., licensee of station WTBO, by sale of majority of stock now held by Herbert Lee Blye to Roger W. Clipp and Frank V. Becker, respectively.

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—
1210 Granted C. P. for new station to operate on **1210 kc.**, 100 watts, daytime.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
620 burg Chamber of Commerce, Clearwater, Fla.—Granted extension of special experimental authorization to operate with 1 KW at night, 5 KW day, from March 1, 1935, to September 1, 1935.

WJAR—The Outlet Co., Providence, R. I.—Granted extension of
890 special experimental authorization to use additional power of 250 watts night for period beginning March 1 and ending September 1, 1935.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted re-
560 newal of license, **560 kc.**, 1 KW night, 2½ KW day, unlimited.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Granted ex-
600 tension of special experimental authorization to operate on **600 kc.**, 1 KW night, 2.5 KW day, unlimited time, for period ending September 1, 1935.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted ex-
880 tension of special experimental authorization to use additional 250 watts power for period ending September 1, 1935.

W8XAR—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of special experimental station license for experimental service, effective March 23, 1935, to June 23, 1935, in exact conformity with existing license.

SET FOR HEARING

KFWB—Warner Bros. Broadcasting Corp., Los Angeles, Calif.—
950 C. P. to make changes in equipment and increase day power from 2½ to 5 KW (to be heard with others for California before Commissioner Brown).

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—
710 Modification of license to increase hours of operation from limited to unlimited (to be heard by the Division en banc, April 17, 1935, 11 a. m.).

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of
850 C. P. to change type of equipment; extend commencement date from July 30, 1934, to 30 days after granting, and completion date from November 30, 1934, to 60 days thereafter (to be heard before Commissioner Brown in California).

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—C. P.
1380 to move station locally, install new equipment, and change assignment to **1380 kc.**, 1 KW, unlimited time.

NEW—C. L. Burns, Brady, Tex.—C. P. for new station, **1210 kc.**,
1210 100 watts, daytime (site to be determined).

NEW—Robert K. Herbst, Fargo, N. Dak.—C. P. for new station,
1310 **1310 kc.**, 100 watts, unlimited time (site to be determined).

WRJN—Racine Broadcasting Corp., Racine, Wis.—C. P. to make
1370 changes in equipment and increase day power from 100 watts to 250 watts.

NEW—Joseph H. Hallock, Vancouver, Wash.—C. P. for new sta-
1500 tion, **1500 kc.**, 100 watts, daytime (site to be determined).

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of
1200 C. P. for new equipment, and change assignment to **1200 kc.**, 100 watts night, 250 watts day, unlimited; also requests extension of commencement date from 12-13-34 to 20 days after granting this application, and completion date to 60 days thereafter.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification
560 of C. P. to install new equipment; increase day power from 2½ KW to 5 KW; extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport,
600 Conn.—Modification of license to increase power from 500 watts, 1 KW LS, to 1 KW night and day.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oak-
1280 land, Calif.—Modification of license to change frequency from **1440 kc.** to **1280 kc.**, and increase hours of operation from daytime to unlimited, with 250 watts night.

NEW—Universal Advertising Agency, Laredo, Tex.—Application for permit to transmit programs from studio in Laredo, Tex., to station XENT, at Nuevo Laredo, Mexico, and possibly to other Mexican stations through XENT as key station. (To be heard before Commissioner Brown with other Texas cases, April 1.)

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Special ex-
1280 perimental authorization to install new equipment; operate on **1280 kc.**, 1 KW night and day power, unlimited time, for period ending April 1, 1935, employing directional antenna.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—
1420 Special temporary experimental authorization to operate simultaneously night-time with station WEED for period of 30 days.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Special experi-
1380 mental authorization to operate for period of 6 months on **1380 kc.** instead of **1420 kc.**; increase night power to 250 watts, employing a directional antenna.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—C. P. to move
1330 station from Eau Claire to De Pere, Wis.; increase hours of operation from simultaneous day, shares night KSCJ, to unlimited; also install new directional antenna. Also requests consent to voluntary assignment of license to WHBY, Inc.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modifi-
1430 cation of C. P. requesting approval of transmitter site and extension of commencement date from 3-8-35 to 30 days after grant, and completion date to 6 months thereafter.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—C. P. requesting
1320 approval of new site at Des Moines; also new transmitter equipment.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modifi-
600 cation of C. P. requesting approval of new transmitter site, Marion Township, northeast of Cedar Rapids; install new equipment; and extending commencement date from 3-8-35 to 60 days after grant, and completion date to 90 days thereafter.

MISCELLANEOUS

WEED—William Avera Wynne, Rocky Mount, N. C.—Denied
1420 special temporary experimental authority to operate simultaneously night-time with WEHC for period of 30 days.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Denied spe-
1430 cial temporary authority to operate from 1 to 1:30 a. m. with power of 750 watts, and from 1:30 to 2 a. m. with power of 1 KW, and from 2 to 2:15 a. m. with power of 750 watts, and from 2:15 to 2:30 a. m. (all EST) with power of 500 watts on February 17, 18, and 19, 1935.

NEW—Garden City Broadcasting Co. (Homer A. Ellison and Frank
1210 D. Conard), Garden City, Kans.—Granted C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time (action taken January 29, 1935.)

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Granted petition requesting that Commission reconsider action of February 19, 1935, designating for hearing application for extension of special experimental authorization to use 250 watts additional power during night-time hours, and upon reconsideration the Broadcast Division directed that said special temporary experimental authorization be extended for a period beginning March 1, 1935, and ending no later than September 1, 1935.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted ap-
970 plication for renewal of license and for extension of special temporary experimental authority.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted
830 renewal of license for the regular license period.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—
570 Granted renewal of license for the regular license period.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Denied petition to re-
550 consider action in designating for hearing application for authority to install new equipment and increase power from 500 watts night, 2½ KW day, to 1 KW night and 5 KW day.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Suspended
610 grant modifying license increasing power for night-time use from 500 watts to 1 KW and application designated for hearing because of the protest of station WCAO, Baltimore.

ACTION ON EXAMINERS' REPORTS

WSMB—Ex. Rep. No. 1-9: WSMB, Inc., New Orleans, La.—
1320 Granted modification of license increasing operating power from 500 watts to 1 KW, unlimited time, upon condition that directional antenna be installed to comply with specifications to be outlined by Engineering Department. Sustaining Examiner R. L. Walker.

WBNX—Ex. Rep. No. 1-19: Standard Cahill Co., Inc., New York
1350 City.—Granted renewal of license and license to cover C. P. for the installation of new transmitting equipment and removal of studio. Denied application for special experimental authorization to increase power to 500 watts. Examiner R. L. Walker sustained.

WHOM—Ex. Rep. No. 1-21: New Jersey Broadcasting Corp., Jer-
1450 sey City, N. J.—Granted application for C. P. to move transmitter to Hoboken and renewal of license for regular period. Examiner Geo. H. Hill sustained.

NEW—Ex. Rep. No. 1-24: Norman Baker, Muscatine, Iowa.—
1170 Denied as in default application for a new radio station at Muscatine, Iowa, to operate on frequency **1170 kc.**, 5 KW, limited time. Applicant failed to appear at hearing and no evidence was offered in his behalf. Examiner R. H. Hyde sustained.

APPLICATIONS DISMISSED

The following applications were dismissed at request of applicants:

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1010 —C. P., **1010 kc.**, 500 watts, unlimited time.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Special
1310 experimental authorization, **1310 kc.**, 100 watts, unlimited time.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license,
1430 **1430 kc.**, 1 KW, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P., **1270**
1270 **kc.**, 5 KW, unlimited time.

WBBZ—James F. Kyler, Ponca City, Okla.—Involuntary assign-
1200 ment of license, **1200 kc.**, 100 watts, unlimited.

NEW—A. L. Chilton, Kilgore, Tex.—C. P. for new station, **1200**
1200 **kc.**, 100 watts, unlimited.

The following application was denied because applicant failed to file an appearance in accordance with Rule 48 (b):

NEW—A. H. Sconberg, Salinas, Calif.—C. P. for new station, **1500**
1500 **kc.**, 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—
1420 Construction permit for a new station on **1420 kc.**, 100 watts power, unlimited time.

W1XCW—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, Portable.—License to cover construction permit to erect a new general experimental station to operate on **31100 kc.**, 20 watts.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan &
1390 Bostwick, St. Albans, Vt.—Construction permit to install new equipment, make change in specified hours, change frequency from **1370 kc.** to **1390 kc.**, and power from 100 watts to 1 KW. Amended to change specified hours.

WMFE—William J. Sanders, New Britain, Conn.—Modification of
1380 construction permit to erect a new station to operate on **1380 kc.**, 250 watts, daytime, requesting equipment changes and extension of commencement and completion dates.

NEW—Roy L. Albertson, Buffalo, N. Y.—Construction permit to
1370 erect a new station to operate on **1370 kc.**, 100 watts, 250 watts day, share-WSVS.

WMFE—William J. Sanders, New Britain, Conn.—Modification of
1380 construction permit to erect a new station to operate on **1380 kc.**, 250 watts, daytime, to request extension of completion date from 2-16-35 to 5-16-35.

Second Zone

None.

Third Zone

KADA—C. C. Morris, Ada, Okla.—Construction permit to install
1200 new equipment; change hours of operation from daytime to unlimited; change power from 100 watts to 100 watts night and 250 watts day. Amended to omit request for night-time power and night operation.

WLAC—Life & Casualty Insurance Co. of Tennessee., Nashville,
1470 Tenn.—Voluntary assignment of license to WLAC, Inc.

WBHS—Virgil V. Evans, Huntsville, Ala.—Construction permit to
1200 move transmitter and studio from 121 West Clinton Street, Huntsville, Ala., to site to be determined, Chattanooga, Tenn. Request change of call letters to WTVA. Amended to request change in hours of operation from six-sevenths time to unlimited.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
780 Extension of special experimental authorization to operate with power of 1 KW, 2½ KW day, for period from 3-1-35 to 9-1-35 (directional antenna).

WWL—Loyola University, New Orleans, La.—Modification of
850 license to change hours of operation from specified hours to unlimited.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of
1200 license to change hours of operation from S-WBNO to unlimited, contingent upon granting of B3-ML-130 filed by WBNO for **1500 kc.** frequency.

Fourth Zone

WBOW—Bank of Wabash, Inc., Terre Haute, Ind.—Construction
1310 permit to make equipment changes, increase day power from 100 to 250 watts. (Old form.)

Fifth Zone

NEW—R. R. West, Rock Springs, Wyo.—Construction permit for
1200 a new station to be operated on **1200 kc.**, 100 watts power, limited time. (Hours of operation, location, alternate facilities.)

NEW—J. B. Kiefer, Los Angeles, Calif.—Construction permit for a
1480 new station to be operated on **1480 kc.**, 5 KW power, unlimited. (No reply to our letters.)

NEW—Harold H. Hanseth, Fresno, Calif.—Construction permit to
1410 erect a new station to operate on **1410 kc.**, 1 KW night, unlimited time. Amended giving daytime power as 1 KW.

NEW—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Con-
1500 struction permit to erect a new station to operate on **1500 kc.**, 100 watts, unlimited time.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification
1430 of C. P. (5-P-B-2837) as modified to extend completion date from 3-15-35 to 6-15-35.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Con-
780 struction permit for new station on **780 kc.**, 500 watts, 1 KW power, unlimited. Consideration under Rule 6-B. Amended: change frequency from **1310 kc.** to **780 kc.**, power from 100 to 500 watts, facilities of KGHL.

NEW—Ward Walker, Seattle, Wash.—Construction permit for new
760 station on **760 kc.**, 250 watts night, 500 watts day power, unlimited. Amended: site of transmitter to be determined.

NEW—Clark Standiford, Porterville, Calif.—Construction permit
1420 for new station on **1420 kc.**, 100 watts power, unlimited. Amended as to transmitter site, near Porterville, Calif.

Advertiser Publishing Co., Ltd., South and Kapiolani Streets, Honolulu, T. H.—Construction permit for experimental relay station for **17780** and **9570 kc.**, 2 KW day and night power.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS * * * *
Vol. 3 - - No. 13
MARCH 7, 1935

Copyright, 1934, The National Association of Broadcasters

AMP AND SESAC LICENSES

So many members have written concerning the licensing activities of the Associated Music Publishers, Incorporated (AMP), 24 West 45th Street, New York, and the Society of European Stage Authors and Composers (SESAC), 113 West 42d Street, New York, that it has become impossible for the NAB office, with its present staff, to answer each letter separately. However, we have taken this vast amount of correspondence, analyzed the questions to which answer is sought, and with the thought in mind that all might be interested, we shall endeavor through NAB Reports to answer, in so far as we are able, the questions raised.

AMP claims to have the right to license in the United States compositions published by the following publishers:

Universal Edition, Vienna; Albert J. Gutmann, Vienna; Otto Maass, Vienna; W. Bessel & Cie., Paris; Ed. Bote & G. Bock, Berlin; Editions Max Eschig, Paris; Julius Hainauer, Breslau; F. E. C. Leuckart, Leipzig; B. Schott's Soehne, Mainz; N. Simrock, Leipzig; Breitkopf & Hartel, Leipzig.

As will be noted in the subjoined correspondence, there are a few isolated instances in which the above publishers prior to the AMP agreements assigned certain United States rights to other American publishers, but in almost every case the publisher to whom such rights were assigned is a member of the American Society of Composers, Authors and Publishers (ASCAP). AMP, by contract, is exclusive agents for the serious copyrighted music of the firms of Hanson of Copenhagen and Doblinger of Vienna, but since these copyrights have not been assigned, the AMP does not indemnify any licenses against other claims.

SESAC claims to have the right to license in the United States compositions published by the following publishers:

Vertriebsstelle des Verbandes Deutscher Buehnenschriftstellar und Buehnenkomponisten, Berlin; "Solunastra" Musik Verlag, H. Haberer Helasco, Berlin; Edition Adler, Berlin; Ahn U. Simrock Buehnenverlag, Berlin; Allegro Theaterverlag, Berlin; Max Beck Verlag, Leibzig; Bryant Music Company, New York; Ernst Eulenburg, Leipzig; S. Fischer Verlag, Berlin; Rob. Forberg, Leipzig; Paul Gordon, Buehnenvertrieb, Berlin; Harmonie-Verlag, Berlin; International Edition, Leipzig; Richard Kaun-Verlag, Berlin; Kollo-Verlag, Berlin; Gebrueder Reinecke, Leipzig; Rondo-Verlag, Berlin; Robert Ruehle, Berlin; Schlesinger'sche B. u M., Berlin; Edward Schuberth & Co., Inc., New York; SESAC Publications, New York; Steingraeber Verlag, Leipzig; Chr. Friedr. Vieweg, Berlin; Edition Vuvag Verlag u. Vertrieb, Berlin; Wernthal, Berlin; Gebethner and Wolff, Warsaw; Carl Gebrmans Musikfoerlag, Stockholm.

AMP and SESAC are independent organizations. Neither is affiliated with the ASCAP.

A Word About Copyright

A copyright in a musical work is property, protected by the laws of the United States, and the public performance for purposes of profit of such properly copyrighted work may not be lawfully presented except by permission or license of the owner of the copyright. Unlicensed performances are considered infringements.

The Copyright Act of 1909, now in effect, requires that musical works, in order to enjoy protection in the United States, must be published with the following form of notice: "COPYRIGHT (year) BY (name of owner)." Such notice must appear upon the title page or the first page of the music. Such imprint must appear upon all music, domestic or foreign, enjoying copyright protection in the United States.

Many stations have written asking for copies of the catalogs of the publishers whose works AMP and SESAC claim to control in the United States. While in instances the request was made for the purpose of ascertaining the scope of the catalogs and whether or not the rights claimed were actually worth the license fee asked, in some instances stations wanted such catalogs in order that infringements might be avoided.

It would be highly desirable if AMP and SESAC would publish complete catalogs of the works they license. At the present time each has filed with the NAB copies of the catalogs of the publishers whose works they claim to represent in the United States. With few exceptions these catalogs are published in foreign languages, prepared in differing classifications, and embrace many thousands of titles. While it is not an impossible task, it would require more money than the NAB can afford to have these catalogs translated, the titles classified, and published in a usable form.

Avoiding Infringements

It is my understanding that both the National Broadcasting Company and the Columbia Broadcasting System have licenses from both AMP and SESAC and that these licenses protect their affiliated stations with respect to programs originated by these networks. It is important that every station associated with a network or receiving programs from another source should adopt every precaution to see to it that proper copyright protection is obtained. Each station should exercise the greatest degree of care to ascertain that it is licensed to perform each and every musical composition which goes out over its antenna, regardless of whether such composition is performed by live talent either in the studio or from a remote control point, or received from a network; or by transcription, phonograph record or other mechanical means.

Since each copyrighted musical composition must bear the imprint of a copyright notice, it is possible to ascertain from the music to be used the name of the copyright owner. Upon ascertaining the name of the copyright owner, a check should be made against the list of publishers from whom licenses are held. If the station holds no license to perform the composition, either the composition should not be performed or a license for its performance should be secured.

Term of Copyright

The term of copyright protection in the United States is 28 years from the date of first publication plus an additional 28 years if the extended period is applied for. Under the present law, therefore, the maximum term of protection is 56 years. If the work shows by the imprinted notice of copyright to have been in publication in excess of 56 years, stations may make free use of such work. Compositions which have been in publication in excess of 56 years, compositions in publication for 28 years but which have not been renewed for the additional like term, and foreign works which have not complied with our laws with respect to registration and notice, are considered as part of the public domain of music.

Scope of AMP and SESAC Catalogs

AMP is reputed to have the licensing rights in the United States of more than 500,000 musical compositions, mostly of foreign origin. SESAC is reputed to have the licensing rights to some 275,000 titles, and most of these also are of foreign origin. These figures are estimates only. The NAB has not made an actual count, and furthermore both of these groups are undoubtedly acquiring additional catalogs from time to time. Many of these works undoubtedly are in the public domain, but it is a fact that each group controls a substantial number of compositions under current copyright and with respect to these the formalities of our law have been met. Their unauthorized or unlicensed performance is prohibited.

Warranties

The standard form of ASCAP license fully protects stations as to any non-dramatic public performance of works of American members of ASCAP. The warranty under the ASCAP contract extends only to its own members but ASCAP has stated that it is prepared to go further when, through no carelessness on the part of the station, it has, in good faith and with good sound reason to support it, performed a composition which it had a right to believe was in ASCAP repertoire. But the station must be careful.

As will be seen from the correspondence published as a part of this report, both AMP and SESAC are prepared to warrant and save the station harmless with respect to the works they license. Such warranties are of the greatest importance, especially where there might be conflicting claims of copyright in a single composition.

Other Copyright Groups

Leaving out of consideration works in the public domain, stations may perform only such currently copyrighted musical compositions as fall within their licenses. ASCAP, AMP and SESAC do not control all of the music under current copyright. Even if a station has all three of these licenses, the greatest care should be exercised not to perform compositions not covered by such licenses.

Radio Program Foundation

For example, some 125,000 musical compositions are embraced in the Ricordi catalog which is licensed to the Radio Program Foundation and any station not having a sublicense from this Foundation has no right to perform this excellent Italian music. The Foundation was created by the NAB two years ago for the purpose of assisting members in their copyright problems, which were at the time and are continuing to become more complex, but this organization, except its acquisition of the Ricordi catalog, has been able to do very little in a constructive way. It has not been supported by all stations and this is due, perhaps, to the fact that stations now pay a percentage of money received from all programs (except political campaign speeches) and that they cannot afford to expend additional funds for copyright purposes.

Finally, be sure that you have a license to perform every copyrighted musical composition which goes out over your station. If there is doubt, and you do not have time to make a thorough check, don't use the number. If you desire to use a certain composition for which you have no license, ascertain the name of the copyright owner and obtain a license. If you desire to use the copyrighted musical compositions of anv group such as ASCAP, AMP, SESAC or the Program Foundation you must have their licenses. It is difficult enough to check your programs against the licenses you hold. It is virtually impossible to check the music you have no right to perform. Both NBC and CBS have taken both AMP and SESAC licenses in addition to ASCAP and Foundation licenses. Many other stations likewise have taken these licenses. If you have need for and want to use the copyrighted compositions of AMP and SESAC there is no alternative except to take licenses. Otherwise, if you use their works you may be subject to infringement damages.

NATIONAL ASSOCIATION OF BROADCASTERS
NATIONAL PRESS BUILDING
WASHINGTON, D. C.

December 21, 1934.

Mr. M. E. Tompkins, Vice President,
Associated Music Publishers, Inc.,
25 West 45th Street,
New York, N. Y.

My dear Mr. Tompkins:

A number of the members of this Association have written me with reference to the licensing agreement which the Associated Music Publishers Incorporated is offering to broadcast stations. A copy of this form of agreement has just reached my desk.

In checking over the catalogs which you were good enough to send me some months ago I find that the catalogs of Doblinger (Vienna), Albert J. Gutmann (Vienna), Hansen (Copenhagen), Julius Hainauer (Breslau), Otta Maass (Vienna), Nagel Archives (Hanover), and Vienna Philharmonia Edition are missing from my file. Some of these undoubtedly are among your later acquisitions. Will you therefore send me copies of these catalogs so that my file may be complete?

While paragraph numbered (1) grants a license as to each of the compositions owned or controlled by the licensor during the term of the agreement, there is nothing in the agreement to the effect that the licensor's agreements with its publishers subsist throughout the period for which the license is issued. I presume this was an oversight in drafting. In order that this point may be clarified, may I ask if your contracts with publishers do not give you control of their works in the United States for, at least, the period for which you grant licenses?

With further reference to paragraph numbered (1) do you have the exclusive right in the United States to license all of the works of the publishers whose names are listed in the agreement? Do you agree to protect the licensee against another claiming similar rights, or different rights in the same catalogs? Do you agree to defend against another claiming the same rights you claim? Would the licensee be compelled to meet such infringement suit himself or would you assume such defense in his behalf? If such suit were successful as against the licensee, do you agree to save him harmless with respect to resulting damages?

I would greatly appreciate an early reply to these questions in order that I might be in a position to pass this information along to our members.

Cordially yours,

NATIONAL ASSOCIATION OF BROADCASTERS
Philip G. Loucks, Managing Director.

PGL-S

ASSOCIATED MUSIC PUBLISHERS, INC.
25 WEST 45TH STREET
NEW YORK

January 31, 1935.

Mr. Philip Loucks, Managing Director,
National Association of Broadcasters,
National Press Building,
Washington, D. C.

My dear Mr. Loucks:

First, let me thank you for your letter of December 21st and also for sending to me a transcript of Mr. Heinecke's letter which I observe has appeared in *Broadcasting*.

I am pleased to send you the catalogs of those publishers for which you ask in the second paragraph of your letter, with exception of Gutmann and Otto Maass, which firms are subsidiaries of the Universal Edition, and Hainauer, whose catalogs are not available at present.

Answering the third paragraph of your letter we would say that in case we terminate any of the agreements now in effect with our publishers we should, of course, expect to make reasonable adjustment with any licensed broadcasters.

Answering the fourth paragraph of your communication, would advise that we do have the exclusive right in the United States to license and prohibit the performance by broadcasting of all of the works of the publishers copyrighted in the United States whose names we list in our regular agreements with radio stations, with certain minor exceptions listed below.

The following publishers have contracts with us which provide for the proper assignment to us of the United States copyrights of their catalogs, with the exceptions noted below:

Universal Edition, Vienna; Albert J. Gutmann, Vienna; Otto Maass, Vienna; W. Bessel & Cie., Paris; Ed. Bote & G. Bock, Berlin; Editions Max Eschig, Paris; Julius Hainauer, Breslau; F. E. C. Leuckart, Leipzig; B. Schott's Soehne, Mainz; N. Simrock, Leipzig; Breitkopf & Hartel, Leipzig.

We will indemnify and hold harmless any broadcasting licensee from and against any claim or suit that may be brought against such licensee for alleged infringement of copyright with respect to the performance by broadcasting of any copyrighted work of the above named publishers licensed by us if at the time of such performance the copyright has been assigned to us and properly recorded in the records at Washington and if the licensee gives us prompt notice of such claim or suit and permits us to conduct the defense thereof, furnishing us with reasonable assistance in connection therewith.

With respect to the catalogs of the above named firms, there are a very few isolated instances in which the publishers, prior to our agreement, assigned certain United States rights to other American publishers such as Schirmer, Fischer, etc. This would not seriously affect the rights under our broadcastings agreements as in almost every case the publisher to whom such few assignments were made is a member of ASCAP and therefore there would never be any difficulty respecting the broadcasting of these compositions.

In addition to the publishers named above we are by contract exclusive agents for the serious copyrighted music of the firms Hansen of Copenhagen and Doblinger of Vienna, but as these copyrights have not been assigned to us we do not indemnify any licensee against other claims, although under our contracts we have full right to license and prohibit the use of this music.

Yours most respectfully,

ASSOCIATED MUSIC PUBLISHERS, INC.
By (signed) M. E. Tompkins,
Vice President.

MET SLG

NATIONAL ASSOCIATION OF BROADCASTERS
NATIONAL PRESS BUILDING
WASHINGTON, D. C.

December 8, 1934.

Mr. Paul Heinecke, President,
Society of European Stage Authors and Composers, Inc.,
113 West 42nd Street,
New York, N. Y.

DEAR MR. HEINECKE:

Several of our members have written me concerning your standard form of agreement. In order that certain points therein may be clarified for our records, herewith follows certain inquiries concerning the subject matter thereof.

I will appreciate your cooperation in answering at your earliest convenience, so that for the benefit of our members this data may be on file together with the catalogs and other information previously furnished.

What is meant by a "part" of a grand right? Does this mean that the licensee is prohibited from performing, say, an aria from an opera, musical comedy, operetta or revue?

Are additional publishers' catalogs of music as acquired by you made available to the licensee? How is the licensee to know that these additional acquisitions come under your license?

Why do you require that the title and composer of a number be announced? Why do you require that the name of a musical production or sound film be announced, in addition to the title and composer, if such composition is taken from such production or film?

Is the licensee given the right to arrange, adapt or interpolate the compositions covered by the agreement? I am sure that you must appreciate the importance of this right where radio presentations are concerned.

Why do you require that the licensee furnish weekly reports of its program records?

Will your Society maintain substantially the same number of compositions throughout the term of your licenses?

Is the licensee protected against wholesale restriction?

In your agreement you list certain publishers with which you have agreements, and you state that you have the right, subject to various terms and conditions contained in these agreements, to authorize, prohibit, supervise and control performances in this country of certain musical compositions, dramatico-musical works and dramatic works. Do you distinguish between the works you have authority to license and those you do not? Do you have the exclusive right to these works? Do you inform the licensee of the terms and conditions or limitations upon the performing rights which you mention? Is the licensee protected against another claiming similar rights, or different rights in these same catalogs? Do you agree to defend against another claimant of the same rights which you claim? Would the licensee be compelled to meet such an infringement suit himself? If so, under what provision of the agreement would he be made whole?

Thanking you for your early advice.

Sincerely yours,

NATIONAL ASSOCIATION OF BROADCASTERS
Philip G. Loucks, Managing Director.

SOCIETY OF EUROPEAN STAGE AUTHORS AND COMPOSERS, INC.

113 WEST 42ND STREET, NEW YORK

Cable: SESACOM Phone Bryant 9-3223-3224

December 12, 1934.

Mr. Philip G. Loucks, Managing Director,
National Association of Broadcasters,
National Press Building,
Washington, D. C.

DEAR MR. LOUCKS:

This is to acknowledge receipt of your letter of December 8th in which you seek further information about our standard form of license and its subject matter.

So that your records may be complete, and in order that you may be in a position to properly advise your members, we are herewith replying in detail.

In connection with your inquiry concerning "a 'part' of a grand right," and whether the same would include an "aria," we would advise that as a matter of uniform interpretation, and in accordance with the custom of the trade, whenever this inquiry has come to our attention, we have further explained this clause by defining a "part" of a grand right as a dramatic sequence or dramatic integration from a grand right work, such as an opera, operetta, musical comedy, revue, stage work, etc. Separate non-dramatic numbers or compositions, however, taken from these "grand right" works, e.g., songs, arias, etc., are deemed "small rights," and are therefore available for performance under SESAC's license, since not within the "grand rights" exception.

Additional catalogs which are acquired by SESAC from time to time are made available to the licensee pursuant to the license, and the licensee is so notified by SESAC bulletins.

As you may know, the SESAC repertory of copyrighted compositions included in SESAC's agreements with, up to the time of the present writing, forty publishing houses, increases constantly as the various publishers continue to bring out new compositions. Furthermore, the number of publishers, and therefore the size of SESAC's licensing repertory, is being increased as SESAC is continuing to acquire new groups of publishers.

In the matter of announcements of title and composer, and of the musical production or sound film, if the composition is taken therefrom, the announcement of the title and composer of the composition is required in the interest of the author and composer, but where the station, in certain instances, finds it inconvenient to make such announcement, and informs SESAC thereof (which would be entirely unusual), permission is granted to waive these announcements. However, it should be borne in mind that the public from the educational and cultural standpoint is best satisfied and indeed requests such announcements. This is especially true because frequently there are many compositions by the same title, such as "Serenade," "Lullaby," etc., etc., and likewise there are many composers with the same or similar names; for instance, the Strausses (5 of them), the Hollaenders (3), etc. There is a certain general, but not inflexible, uniformity which SESAC would like observed. Announcements of musical production or sound film from which a particular musical selection is taken is usually waived by SESAC upon request, unless for certain productions the producer insists or requires of SESAC that such announcement be made. Thus far, in all instances where the request has been made SESAC has granted the same.

In the matter of special arrangements, adaptations or interpolations for broadcasting, SESAC observes within reason the general requirements of the broadcaster as well as publisher and copyright owner. While SESAC is in entire sympathy with the broadcaster, and appreciative of his occasional need in the matter of special broadcasting adaptations, abridgements or arrangements for the purpose of providing the desirable "air" background, or for suiting an ordinarily lengthier work into a shorter performance period, or for varying cast or number of performers, etc., nevertheless, certain broad limits must be observed, as the broadcaster can well understand, in compliance with the rights of the copyright owner and composer in the protection and preservation of his original work against impairment or inferior adaptations. SESAC, therefore, in accordance with the universal custom prevailing among publishers, authors, composers and performers, grants this right to make the special adaptation which comes in question, upon special permission applied for.

SESAC has liberally cooperated with broadcasters who wish to present special adaptations or arrangements of a work and who inform SESAC thereof and request permission for same.

The relaxation from general requirement where justified, upon request, is also made in connection with the clause re furnishing weekly or examining program records. Of course, information and data concerning SESAC's performances are generally necessary as an important aid in the allocation of revenues to the publishers and composers.

Furthermore, the experience of SESAC, especially in the operation of its Program Department devoted exclusively to the matter of program building and music service to the broadcaster, has shown that the broadcasters themselves wish to send in their programs and are doing so in order that SESAC's Program Department may be guided by the particular type and character of the program features and requirements, as evidenced by the program records.

In connection with maintaining the size of SESAC's present repertory, we wish to assure you that SESAC will maintain substantially the same number of compositions and expects to continue to increase its repertoire in the future as it has in the past.

You will understand that many of our agreements with the publishers contain, expressly or impliedly, such limitations and conditions which are usual in the trade, and compliance with which so far as it is possible, is desirable. For example, some of the agreements reserve the right to restrict compositions included in the contracts, especially production numbers. While SESAC to date has not restricted a single number from performance to any licensees, it nevertheless will be understood that upon possible occasions as a matter of fair trade practice and usage, SESAC may be obliged to reserve this right where the separate number from a stage or film work must be restricted, in accordance with the requirements of producers' contracts with SESAC. However, SESAC's policy does not countenance restrictions of any sort which would lessen or impair the value of the license, and SESAC will at no time issue lists of restricted titles of musical compositions which aggregate in excess of ten per cent of its repertory.

All of SESAC's contracts are exclusive, and generally speaking, cover all the compositions included in the catalogs of the particular publisher, but cognizance must be taken of the universal trade practice of music publishers, who from time to time, prior to entering into such an agreement as SESAC's, have sold to others the rights to certain compositions and single numbers from their catalogs. In such instances, of course, the exceptions are usually written into the contract. However, these exceptions are proportionately negligible in the case of SESAC's contracts. We note that in your letter you inquire hypothetically about the possibility of a demand or claim being made on a licensee by another in connection with the rendition of a composition covered by our license. While this inquiry, we would respectfully point out, is entirely academic, inasmuch as during the five years of our existence no such claim or demand against any station or performer has been made, nevertheless, be assured that if such a contingency were to occur, both from our own standpoint in protecting our rights, as well as from the desire to cooperate with, and relieve the NAB member of the annoyance and inconvenience which would be occasioned thereby, we would, legally and otherwise, upon ten days' notice to us in writing by United States registered mail, after the making of such claim or demand, personally defend and thereafter, if necessary, hold harmless and indemnify the NAB member from loss through such possible situation occurring by reason of the member's performance of musical compositions licensed for performance by us according to the terms and conditions of the standard license.

I trust that the above furnishes you the information which you wish.

Assuring you of our cooperation, we are,
Sincerely yours,

SOCIETY OF EUROPEAN STAGE
AUTHORS AND COMPOSERS, INC.
(Signed) Paul Heinecke
PAUL HEINECKE,
President.

NO ACTION ON COPYRIGHT BILL

The Department of State is still considering the mass of testimony presented at its recent conferences on the bill to enable the United States to enter the International Copyright Union. It is expected that the revised draft of the bill will be made available within the next week. It will then go to the Congress.

SPECIAL NOTE TO MEMBERS

The By-Laws of the NAB provide that a member is in arrears and subject to expulsion when he has not paid his dues in advance for any quarter. As the first quarter reaches its close, a few stations are in arrears and subject to expulsion action.

FEDERAL TRADE COMMISSION ACTIVITIES

Consent Decree

No. 1452. The Federal Trade Commission's suit against Inecto, Inc., of New York, hair dye manufacturer, has been concluded by the entry of a final decree in court by consent of both parties. The decree prohibits the corporation from using advertising claims that its hair dye, theretofore sold as "Inecto Rapid Notox" and also referred to as "Notox," "Inecto" and "Inecto Rapid" is safe and harmless or is non-toxic or that it does not contain certain toxic, poisonous or deleterious ingredients. The use of non-genuine consumer testimonials and endorsements is also prohibited. This does not prohibit the company from representing that its product may be used with reasonable safety by those who are in good health and have no scratch or abrasion and who show no particular susceptibility to dyes of this character.

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2226. National Association of Ladies' Handbag Manufacturers, New York City. To cease and desist from carrying out agreements and combinations to fix and maintain uniform prices of imitation ladies' handbags. The respondents elected not to contest the proceeding and consented to issuance of an order.

No. 2197. Mallory Clothes, Inc., of New York City. To cease using the words "factory", "manufacturing" and "factory salesmen" until it owns or operates a factory making the clothes it sells and to stop advertising that these clothes are made to order and measure of the customer when in fact they are "ready made" clothing. The use of the words "tailor" and "tailored" in connection with order blanks is to be discontinued unless it is plainly printed that the customer is buying a suit to be taken from stock, or unless the clothing is made to measurement. The company must desist from stating that it maintains "representatives in all principal cities".

No. 2268. Eli Dane, trading as York Radio Co., New York City. To discontinue attaching to radio sets plates bearing the names "Edison" and "Victor" and to stop representing in literature or advertisements that the sets were manufactured or licensed by the Edison and Victor companies. The respondent consented to the issuance of the order.

No. 2255. Briarwood Corporation, Cleveland, O. To discontinue misleading advertising stating "Made from Genuine Imported Briar Root" or using the name "Briar Knobs" unless in connection with the word "ground" or other word of like import conspicously displayed.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 1286. Universal Crushed Shell Co., Muscatine, Iowa. To cease using in its advertising the words "Crushed Oyster Shell" so as to imply that its crushed shell product is made wholly of crushed oyster shell, or that its shell flour product is composed entirely of powdery substance resulting from crushing oyster shells. Provision is made in the stipulation that the term shall be accompanied by other words in conspicuous type indicating clearly that the products are not made entirely of crushed oyster shells, where this is the case.

No. 1287. J. W. Gibson, trading as J. W. Gibson Co., Indianapolis, Ind. To cease using in his advertising the words "Vanilla", "Black Walnut" or "Strawberry" to describe flavoring products, unless, when the products simulate these flavors, their names shall be accompanied by words clearly showing that the flavorings are imitations. Also to discontinue using "LaFrance" independently or in connection with "Adoree" so as to imply erroneously that certain cosmetics are of French origin.

No. 1288. Red Top Brewing Co., Cincinnati, O. To discontinue advertising that all of its beer is "Krausened" (carbonizing beer with its own natural gases), provision being made that when the term is used in advertising with a picture of the bottle, it shall be definitely set forth that the process is used only in the manufacturing of such part of the product as is sold in barrels and kegs.

No. 1289. J. Morris & Co., 2540 Atlantic Ave., Brooklyn, N. Y. To cease using "Made in U. S. A." to describe its outfits unless the articles actually are manufactured in this country. When the product is composed only in part of pieces made in the United States, the aforementioned slogan shall be accompanied by words clearly designating this.

No. 1290. C. W. Hunter, trading as the Hunter Chemical Laboratory, Philadelphia. To cease using the name Hunter Chemical Laboratory in advertising or on labels or in other ways tending to confuse buyers into believing that he is a chemist or that he owns, controls or operates a chemical laboratory, when this is not true.

No. 1291. Benjamin Cisenfield, trading under the names Earle Soap Manufacturing Co., The Nursery Institute, Ben's Cut Rate Store, and Virginia Lee Cosmetics. To cease using the word "Castile" in his advertising or as a brand of soap having an oil or fatty composition not derived wholly from olives; to desist from publishing fictitious or exaggerated prices and to discontinue using the word "Doctor" as a trade name or designation so as to deceive buyers into believing that products have been compounded in accordance with prescription or under the direction of a doctor, when these are not the facts.

No. 1292. The D. Bacon Co., Harrisburg, Pa. To cease using methods promoting the sale of candy by gift enterprise or lottery.

No. 1293. H. Malkin's Sons, New York City. To cease using the word "Doctor" which tends to confuse buyers into believing the children's shoes made by the company have been manufactured under the supervision of a doctor and to contain scientific or orthopedic features resulting from medical advice or services, when this is not true.

No. 1294. Pine Products International, Inc., New York, N. Y. To cease using "Swiss" or "Direct from Switzerland" in advertising unless the pine essence from which the bath preparation is made is a product of Switzerland or of pine needles grown in and imported from there.

No. 1295. Worcester Knitting Co., Worcester, Mass. To cease using phrases "100 per cent All Wool," "100 per cent Pure Wool" or "100 per cent Virgin Wool" to designate garments not composed wholly of wool.

No. 1296. Esterbrook Steel Pen Manufacturing Co., New York. To cease using in its advertising certain coined words of which gold is a part so as no longer to tend to deceive buyers into believing that the products so designated are composed wholly or in part of gold when this is not true.

No. 1297. P. J. Morton, Oakland, Calif., trading as Professional Systems Co. To cease and desist using in advertising the forms "McCaskey" so as to deceive buyers into believing that the products are those of the McCaskey Register Co., when this is not true, and from using forms identical with those used by the McCaskey Register Co., so as to avoid tending to mislead buyers.

No. 1298. Charles Spiegel Co., Inc., Salem, Mass. To cease using the term "Doctor" as a trade name or designation for its shoes so as to tend to mislead buyers into the belief that its products are made in accordance with the design or under the supervision of a doctor or to contain special or orthopedic features resulting from medical advice or services.

No. 1299. Barbasol Razor Corporation, Indianapolis, Ind. To desist from representations tending to deceive buyers into believing that certain of its products are manufactured by the company, when this is not true.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These companies will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2303. Climax Rubber Co., Brooklyn, N. Y. The respondent is charged with advertising products as being made of a kind of rubber having antiseptic and anti-acid properties which kill bacteria and neutralize perspiration and other body wastes, when this is not true. The complaint alleges violation of the Federal Trade Commission Act and the code of fair competition for the sanitary and waterproof specialties manufacturing industry. Hearing March 29.

No. 2087. Charles H. Bacon Co., Lenoir City, Tenn., and Scott-Bartels Company, Inc., New York City. Hosiery composed largely of cotton and rayon is alleged to have been represented as containing genuine and pure silk in a proportion greater than was in fact present. Violation claimed of both the Federal Trade Commission Act and the standard of fair competition of the hosiery industry. Hearing March 29.

No. 2299. Leon Friedman and Barney Miller, Hartford, Conn., trading as the New England Tea and Coffee Co. Selling a compound of coffee, chicory, cereal and other pulverized substances as "coffee with cereal and chicory of the finest quality," the words "with cereal" indicating to the public, according to the complaint, that the cereal content is a minor element and a mere incident to the coffee and chicory. The complaint points out that the respondents' products contain a large percentage of cereal and ingredients other than coffee and chicory, these percentages ranging from 25 to 60 per cent, far in excess of that indicated on the label.

No. 2300. William and Max Littman, New York City, trading as Imperial Laboratories. The complaint points out that use of the word "Laboratories" in the respondents' trade name and advertising is false and misleading because they do not own one. The complaint also alleges that the lotion made by the company has not been "perfected by leading chemists" as stated nor the formula invented by such chemists. Hearing March 29.

No. 2301. Economic Films, Inc., and Frank R. Wilson, New York City. Misleading and deceptive use of the likeness of the President of the United States in the picture and the accompanying oral comment are described as having "a substantial tendency to cause respondents' film, 'Forward America,' to be sold, leased, distributed and produced, in competition with other moving picture productions, to a greater extent than would be the case without said likenesses or comment." Hearing March 29.

No. 2302. The Market Gardeners' Seed Co., Cincinnati, Ohio. Misstatement of the number of noxious weed seeds in containers or packages sold by the company is charged. Hearing March 29.

Nos. 2304, 2306, 2307. V. S. Lankford and W. S. Wharton, Hampton, Va., the latter trading as Consolidated Crab Co., and E. L. Anderson, of Yorktown, Va. Complaint issued at the application of the National Recovery Administration. The respondents are alleged to have violated the code by paying pickers of crab meat compensation at less than code rates, and to have shipped crab meat for sale on consignment to persons and companies in various states when the code specifically prohibits shipment on consignment. Hearing April 5.

No. 2305. David Jacoby and Morris Gottshagen, New York City, trading as the Mills Sales Company. Alleged to have sold shoe laces with labels featuring the word "Mercerized" when these laces had not been treated with a mercerizing process. Hearing April 5.

No. 2308. Harry Greenberg and Leo Josefsberg, New York City, trading as Greenberg & Josefsberg, G & J Manufacturing Co., G & J Products, and the American Merchandise Co. Alleged to have sold Japanese-made toothpicks in boxes bearing labels closely imitating the labels, size and shape of boxes of toothpicks made in the U. S. and sold by the Diamond Match Co., Chicago. Hearing April 5.

Under stipulation No. 1300 respondents agreed to cease representing toothpicks as "hygienic," "packed by machine," "not touched by hands," and "cut from choice birch" when in fact the articles were not made or packed under these conditions.

RECOMMENDS MORE TIME FOR WTBO

Station WEBR, Buffalo, N. Y., applied to the Federal Communications Commission to change its frequency from 1310 to 800 kilocycles, its power from 250 watts day and 100 watts night to 1,000 watts, and from limited time to local sunset at Dallas, Tex. Also Station WTBO, Cumberland, Md., asked that its operating time be changed from daytime to local sunset at Dallas, Tex.

George H. Hill (e), in Report No. I-25, recommended this week that the application of WEBR be denied, but that the application of WTBO be granted. The Examiner found that the granting of the WEBR application would allow the station to render more service, but he points out that Buffalo is now served by four broadcasting stations and one experimental station. Also, WTBO is the only station rendering consistent service to the Cumberland area and no substantial interference would be caused to the service area of any existing broadcasting station if the application of WTBO were granted.

INTERNATIONAL COMMITTEE MEETS

Senator Wallace H. White, Jr., of Maine was reelected president of the American Section of the International Committee on Radio at a meeting held this week at the University Club.

Other officers elected include: Louis G. Caldwell, vice president; Howard S. LeRoy, treasurer; and Paul M. Segal, secretary. The executive council consists of William R. Vallance, chairman; A. L. Ashby, Henry A. Bellows, Thad H. Brown, J. H. Dellinger, and F. P. Guthrie.

At the meeting, Senator Wheeler, of Montana, chairman of the Senate Committee on Interstate Commerce, talked. Others who also spoke included Dr. J. H. Dellinger, Bureau of Standards; J. B. Weaver, chief of the Bureau of Navigation, Department of Commerce; and Dr. Austin Clark, of the Smithsonian Institute.

COMMISSION GETS $750,000

The House of Representatives has passed the resolution providing $750,000 for the Federal Communications Commission for the making of the investigation of the American Telephone & Telegraph Company. This resolution has already passed the Senate and it now goes to the President for signature to become law. It is expected that the resolution will be signed.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Committee for the Kelly-Springfield Tire Co., New York City. (2-1298, Form D-1)
American Business Shares, Inc., Jersey City, N. J. (2-1299, Form A-1)
Second Larkins-Warr Trust, Tulsa, Okla. (2-1300, Form A-1)
Renotex, Inc., New York City. (2-1301, Form A-1)
Conelius J. Shea, et al., St. Louis, Mo. (2-1302, Form F-1)
T. I. S. Management, Inc., Jersey City, N. J. (2-1303, Form C-1)
Sunrise Mines, Inc., San Diego, Calif. (2-1304, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Wednesday, March 13, 1935

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension of special experimental authorization, **1280 kc.**, 500 watts, 1 KW LS, 500 watts additional night power, unlimited time.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—C. P., **1010 kc.**, 1 KW, unlimited time.

Thursday, March 14, 1935

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of license, **1360 kc.**, 250 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, S-KGFG.

NEW—Guthrie Broadcasting Co., Guthrie, Okla.—C. P., **1200 kc.**, 100 watts, S. H. (facilities of WBBZ).

WBBZ—Estate of C. L. Carrell, deceased, Howard Johnson, representative, Ponca City, Okla.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

NEW—Price Silver, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—C. P., **1500 kc.**, 100 watts, unlimited time.

Friday, March 15, 1935

Before Thad H. Brown, Commissioner, at San Antonio

Mrs. Nellie H. Morris and W. C. Morris, working as "Hotel Eagle," El Paso, Tex.—Authority to transmit programs from Eagle Pass, Tex., over XEPN, Piedras Niegras, Mexico, on **590 kc.** Licensed 100 KW, using 50 KW.

Before an Examiner

NEW—Harris County Broadcast Co., Houston, Tex.—C. P., **9510, 11770, 15150 kc.**, 500 watts.

APPLICATIONS GRANTED

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted modification
900 of license to change frequency from **1440 kc.** to **900 kc.** and hours of operation from sharing with WMBD to daytime.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted modification
1440 of license to change hours of operation from sharing with WTAD to unlimited.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted
1440 C. P. to make changes in equipment and increase power from 500 watts to 1 KW.

WMFE—William J. Sanders, Britain, Conn.—Granted modification
1380 of C. P. extending completion date from 2-16-35 to 5-16-35.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted modification
1340 of C. P. to make changes in equipment; move transmitter from 505 Jefferson Ave., Toledo, to near Toledo; extend commencement date to 30 days after grant and completion date to 120 days thereafter.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted modification
1420 of C. P. to move studio and transmitter locally, extend commencement date to within 30 days of grant and completion date to within 90 days thereafter.

WLAC—Life & Casualty Ins. Co. of Tenn., Nashville, Tenn.—
1470 Granted consent to voluntory assignment of license to WLAC, Inc.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted modification
970 of C. P. to extend completion date from 8-1-34 to 2-1-35.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted
1430 modification of C. P. to extend completion date from 3-15-35 to 6-15-35.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—
1310 Granted license to cover C. P., **1310 kc.**, 100 watts, daytime.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—
1420 Granted license to cover C. P., **1420 kc.**, 100 watts, daytime.

WIBU—Wm. C. Forrest, Poynette, Wis.—Granted license to cover
1210 C. P., **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

WCBS—WCBS, Inc., Springfield, Ill.—Granted modification of
1420 license to change frequency from **1210 kc.** to **1420 kc.**; also to change hours of operation from sharing with WTAX to specified: 6 to 10 a. m.; 100 watts power.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted modification
1200 of license to change hours of operation from daily, except Sundays, 11:30 a. m. to 1:30 p. m.; Tuesday and Friday nights, 7:15 to 8:45 p. m.; and Sundays, 11 a. m. to 12:15 p. m., MST; to daily, except Sundays, 11:30 a. m. to 1:30 p. m.; Tuesday and Friday nights, 7:15 to 8:45 p. m.; and Sundays, 11 a. m. to 12:15 p. m. and 2:30 to 3:30 p. m., MST.

WSGN—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birming-
1310 ham, Ala.—Granted consent to voluntary assignment of license to Ormond O. Black and Mary Collett Black (lessees).

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted consent
890 to transfer control of corporation from A. M. Rowe, Inc., to West Virginia Broadcasting Corp.

SET FOR HEARING

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—C. P.
1200 for new station, **1200 kc.**, 100 watts, unlimited time (site to be determined).

NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.—C. P.
1200 for new station, **1200 kc.**, 100 watts, unlimited time.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—
1210 C. P. to increase day power from 100 to 250 watts and make changes in equipment.

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P. for new
1200 station, **1200 kc.**, 100 watts, unlimited time.

NEW—A. L. Chilton, Kilgore, Tex.—C. P. for new station, **990 kc.**,
990 500 watts, daytime (site to be determined).

NEW—Evansville on the Air, Inc., Evansville, Ind.—C. P. for new
1370 station, **1370 kc.**, 100 watts, unlimited time.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P. to
920 make changes in equipment, move transmitter to new location locally, and increase operating time from daytime to unlimited.

NEW—Ward Walker, Seattle, Wash.—C. P. for new station, **760**
760 **kc.**, 250 watts night, 500 watts day (site to be determined). To be heard by the Division en banc, April 24, 1935.

NEW—David Parmer, Atlanta, Ga.—C. P. for new station, **1370**
1370 **kc.**, 100 watts night, 250 watts day, unlimited.

NEW—Clark Standiford, Porterville, Calif.—C. P. for new station,
1420 **1420 kc.**, 100 watts, unlimited.

WGST—Georgia School of Technology, Atlanta, Ga.—Modification
890 of license to increase night power from 500 watts to 1 KW. (Licensed for **890 kc.**, 1 KW day, unlimited.)

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-22: Southern Minnesota Broadcasting Co.,
1310 Rochester, Minn.—Granted C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time, sustaining Examiner R. H. Hyde.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted C. P.
770 to increase power from 25 to 50 KW and install new equipment, **770 kc.**, unlimited time day, synchronize with KFAB night. Order effective March 26, 1935. (Heard by Commission en banc.)

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted C. P.
770 to increase power from 5 to 10 KW; also install new equipment, **770 kc.**, unlimited day, synchronize with WBBM night. Order effective March 26, 1935. (Heard by Commission en banc.)

MISCELLANEOUS

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied protest asking reconsideration of grant made on February 5, 1935, of a C. P. to the Missouri Valley Broadcasting Co., Inc., for a new station to operate on **1500 kc.**, 100 watts.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Denied protest asking reconsideration of grant made on February 5, 1935, of a C. P. to the Missouri Valley Broadcasting Co., Inc., for a new station to operate on **1500 kc.**, 100 watts.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Denied protest asking reconsideration of grant made on February 5, 1935, of a C. P. to the Missouri Valley Broadcasting Co., Inc., for a new station to operate on **1500 kc.**, 100 watts.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Suspended grant and designated for hearing application for increase in power for night-time use from 500 watts to 1 KW, because of the protest of Station WICC, Bridgeport, Conn.

WHFC—WHFC, Inc., Cicero, Ill.—Denied petition asking for reconsideration of Commission's action of January 29, 1935, designating for hearing application for C. P. to operate on **1420 kc.**, 100 watts night, 250 watts LS.

NEW—Alexandria Broadcasting Co., Alexandria, La.—Denied petition asking Commission to reconsider its action in designating for hearing application for authority to erect a new broadcast station in Alexandria to operate on **1370 kc.**, 100 watts.

Milwaukee Broadcasting Co., Milwaukee, Wis.—Suspended grant for C. P. for a new station in Milwaukee, Wis., to operate on **1310 kc.**, 100 watts power, and designated application for hearing because of the protest of Station WHBL, Sheboygan, Wis.

NEW—W. C. Hilgedick and Ge. C. Knaur, Denison, Tex.—C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours, heretofore designated for hearing, was dismissed at request of applicant.

NEW—Guilford Broadcasting Co., Abilene, Tex.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time, heretofore designated for hearing, was denied as in cases of default, for failure to file a written appearance and statement of facts in accordance with Rule 48 (b).

WOW—Woodmen of the World Life Ins. Co., Omaha, Nebr.—Modification of C. P. to increase power and move transmitter, heretofore authorized, was retired to the closed files upon request of applicant.

RATIFICATIONS

1200 WNBO—John Brownlee Springs, Silver Haven, Pa.—The Commission, Broadcast Division, upon its own motion, ordered that the effective date of the termination of the temporary license of Radio Station WNBO be extended from 3 a. m., EST, March 1, 1935 (as shown in Minute 108), to 3 a. m., EST, March 15, 1935.

560 WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary experimental authorization to operate on **560 kc.**, 1 KW power, night, for the period beginning 3 a. m., EST, March 1, 1935, and ending in no event later than March 31, 1935.

APPLICATIONS RECEIVED

First Zone

900 WMFI—Patrick J. Goode, New Haven, Conn.—Modification of construction permit to erect a new station to operate on **900 kc.**, 500 watts, daytime, requesting extension of commencement and completion dates.

900 NEW—The Monocacy Broadcasting Co., Frederick, Md.—Construction permit to erect a new station on **900 kc.**, 500 watts power, daytime.

560 NEW—Paul Sullivan Andrews, Lewiston, Maine.—Construction permit for a new station on **560 kc.**, 250 watts power, nighttime operation.

1230 WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to change frequency from **830 kc.** to **1230 kc.**, hours of operation from local sunset at Denver, Colo., to unlimited time.

1350 WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification of license to increase power from 250 watts to 500 watts.

Second Zone

1200 WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

700 WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of special experimental authorization to use 500 watts power from local sunset to 6 a. m., using directional antenna to reduce signal in Niagara to Lockport, N. Y., area to equivalent of 50 KW, for period ending 8-1-35.

880 WPHR—WLBG, Inc., Petersburg, Va.—License to cover construction permit (2-P-B-3291) as modified to change location of transmitter, change frequency, install new equipment, change hours of operation, and increase power.

1420 WELL—Enquirer-News Co., Battle Creek, Mich.—Construction permit to make equipment changes; increase power from 50 to 100 watts; move transmitter from 38 W. State Street and move studio from 221 Champion Street to 1 West Michigan Ave., Battle Creek, Mich.

1200 WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to make changes in equipment.

1200 WHBC—Edward P. Graham, Canton, Ohio.—Modification of license to change hours of operation from specified hours to unlimited. Facilities of Station WNBO.

Third Zone

1370 WJTL—Oglethorpe University, Oglethorpe University, Ga.—Voluntary assignment of license from Oglethorpe University to J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Company.

920 KPRC—Houston Printing Co., Houston, Tex.—Extension of special experimental authorization to increase power to 5 KW day for period ending 9-1-35.

1500 WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of license to change hours of operation from specified hours to unlimited time.

Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—Construction permit for experimental broadcast station, **1550 kc.**, 1 KW power. Amended: request **1570 kc.**

KBTM—W. J. Beard (Beard's Temple of Music), Paragould, Ark.—Modification of construction permit (3-P-B-2987) as modified to extend commencement date from 12-21-33 to 10-1-34 and completion date from 11-1-34 to 3-1-35.

KWEA—International Broadcasting Corp., Shreveport, La.—Voluntary assignment of license to The Allen W. Hinkel Dry Goods Co., Wichita, Kans.

1200 KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—License to cover construction permit (3-P-B-2987) as modified to move station from Paragould to Jonesboro, Ark.

1500 WKEU—Radio Station WKEU, Griffin, Ga.—License to cover construction permit (B3-P-195) to move transmitter and studio and change hours of operation.

1350 NEW—Homer York, Lufkin, Tex.—Construction permit to erect a new station to operate on **1340 kc.**, 250 watts, unlimited time. Amended to change frequency to **1350 kc.** and hours of operation to specified hours (2 p. m. to 10 p. m.).

1310 NEW—Florida Capitol Broadcasters, Tallahassee, Fla.—Construction permit to erect a new station to operate on **1310 kc.**, 100 watts, unlimited. Amended: Transmitter location to be determined.

1200 WAIM—Wilton E. Hall, Anderson, S. C.—Modification of construction permit authorizing a new station to operate on **1200 kc.**, 100 watts, unlimited time, to request changes in equipment and move of transmitter from 316-320 N. Main Street, Anderson, S. C., to Anderson, S. C.

900 WJAX—City of Jacksonville, Jacksonville, Fla.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.

1500 NEW—Eugene DeBogory and Mildred English, d/b as Dallas Broadcasting Co., Dallas, Tex.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts power, daytime. Amended re hours of operation.

1330 KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to make equipment changes; increase power from 1 KW, 2½ KW day, to 5 KW day and night; change frequency from **1330 kc.** to **1290 kc.** Amended to omit request for increase of night power.

1120 WGCM—WGCM, Inc., Mississippi City, Miss.—Construction permit to change frequency from **1210 kc.** to **1120 kc.**; make equipment changes; change hours of operation from specified hours to unlimited time; change power from 100 watts, 250 watts day, to 500 watts day and night.

WQER—Georgia School of Technology, Portable.—License to cover construction permit of broadcast pickup station. Amended: Change to **1646, 2090, 2190, 2830 kc.**

WQET—Georgia School of Technology, Portable.—License to cover broadcast pickup station for **1622, 2190 kc.**, 15 watts. Special. Amended to change to **1646, 2090, 2190, 2830 kc.**

Fourth Zone

1320 KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to move transmitter from 715 Locust St., Des Moines, Iowa, to north of Des Moines, Iowa. Amended to make changes in equipment.

1200 NEW—Duluth Broadcasting Co., Duluth, Minn.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited. Amended re frequency.

1310 WTRC—Truth Radio Corp., Elkhart, Ind.—Construction permit to make change in equipment and increase power from 50 watts, 100 watts day, to 100 watts, 250 watts day.

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Company, Bloomington, Ill.—License to cover construction permit B4-P-249 for equipment changes.

WILL—University of Illinois, Urbana, Ill.—Modification of license
580 to change frequency from **890 kc.** to **580 kc.** and hours of operation from S-KUSD and KFNF to daytime.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction
1310 permit to make changes in equipment, increase day power from 100 to 250 watts.

NEW—Hammond-Calumet Broadcasting Corporation, Hammond,
1480 Ind.—Construction permit to erect a new station to be operated on **1480 kc.**, 5 KW power, daytime operation.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construc-
1120 tion permit to erect a new station on **1120 kc.**, 250 watts, specified hours (unlimited, except 8 p. m. to 9 p. m., CST, Monday and Friday nights). Amended: Transmitter site to be determined.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Construction
1500 permit to erect a new station on **1500 kc.**, 100 watts power, unlimited.

NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—Con-
1310 struction permit to erect a new station on **1310 kc.**, 100 watts power, unlimited time.

WDAF—The Kansas City Star Co., Kansas City, Mo.—License to
610 cover construction permit (B4-P-334) for changes in equipment and increase in day power.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Extension and
550 modification of special temporary authorization for power of 1 KW night, and changes in equipment, requesting extension to 9-1-35, and modification for approval of data obtained in survey as requested under paragraph 3 of Special Authorization, so as to permit operation during regular broadcast day.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modifi-
1430 cation of construction permit authorizing move of transmitter from 3d Ave. and 3d St., Cedar Rapids, Iowa, to site to be determined near Des Moines, Iowa, and studio from Montrose Hotel, 3d Ave. and 3d St., Cedar Rapids, Iowa, to 715 Locust St., Des Moines, Iowa, requesting approval of transmitter site as north of Des Moines, Iowa; make changes in equipment and extend commencement and completion dates. Amended to make further changes in equipment.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Modification of
900 license to change frequency from **1440 kc.** to **900 kc.** and hours of operation from share-WMBD to daytime.

Fifth Zone

KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—License to
1500 cover construction permit (B5-P-127) to move station locally, increase day power, and make changes in equipment.

KWYO—R. E. Carroll, tr/as Big Horn Broadcasting Co., Sheridan,
1370 Wyo.—Voluntary assignment of license to Big Horn Broadcasting Co., Inc.

KWSC—State College of Washington, Pullman, Wash.—Construc-
1220 tion permit to make changes in equipment and increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction per-
810 mit to change frequency from **1270 kc.** to **810 kc.**; increase power from 1 KW, 2½ KW day, to 5 KW; make changes in equipment and move transmitter from 11th S. W. and W. Florida Sts., Seattle, Wash., to site to be determined, Seattle, Wash., and studio from Third and University Sts., Seattle, Wash., to 11th W. and Florida, Seattle, Wash.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Modifica-
1120 tion of construction permit (B5-P-88, to install new equipment, increase power from 500 watts to 1 KW, 2½ KW day) to extend completion date from 3-20-35 to 4-20-35.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson,
950 Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Modification of construction permit (B5-P-281, for new station on **950 kc.**, 250 watts power daytime) giving transmitter and studio sites as Gage's Bldg., bounded by First, Second, and Wall Streets, Chico, Calif.

NEW—Hauser Radio Co., C. R. Hauser and John McGinniss, Ven-
1310 tura, Calif.—Construction permit for new station on **1310 kc.**, 100 watts day and night power, unlimited time. Amended re frequency.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile.—License to cover construction permit for general experimental station.

KIFO—Nichols & Warinner, Inc., Portable-Mobile.—Construction permit, broadcast pickup station for **1566, 2478, 1622, 2150 kc.**, 200 watts power. Amended for **1622, 2060, 2150, 2790 kc.**, 200 watts power.

Louis Wasmer, Inc., Mobile.—Construction permit for general experimental station for **34600, 40600 kc.**, 2 watts. Amended to **31100, 34600, 37600, 40600 kc.**

KGIW—Leonard E. Wilson, Alamosa, Colo.—Modification of
1420 license to change hours of operation from S-KIDW to specified hours (7 a. m. to 4:30 p. m., 6 p. m. to 9:30 p. m.).

NEW—Luther D. Gibson, d/b as Times-Herald Publishing Co.,
850 Vallejo, Calif.—Construction permit for a new station to be operated on **850 kc.**, 250 watts power, daytime operation.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Modification
1420 of license to change hours of operation from S-KGIW to specified hours (7 a. m. to 6 p. m., 9:30 p. m. to 12 midnight).

KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction
1340 permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day. Amended as to transmitter site, to be determined.

NEW—Robert Louis Sanders, San Pedro, Calif.—Construction per-
1180 mit to erect a new station on **1180 kc.**, 250 watts day, daytime hours of operation. Amended re power.

NEW—Harry Prezant, Los Angeles, Calif.—Construction permit for
1120 new station on **1120 kc.**, 1 KW power, unlimited, facilities of KFSG and KRKD.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Vol. 3 - - No. 13
MARCH 11, 1935

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BROADCAST ADVERTISING IN JANUARY

Improvements in Reports

SEVERAL improvements have been made in the NAB broadcast advertising reports, beginning with the current issue. Ratio charts, showing the *percentage* of increase or decrease in advertising volume have been introduced in order to present a truer picture of the *relative* increase or decrease of advertising volume from month to month.

Two charts are now presented for non-network advertising by type of rendition, one for national and one for local business. The two types of business are so dissimilar as to require different treatment. The general media chart has been eliminated, since the NAB Reports claim to present original data only for broadcasting.

National network figures have been made more comprehensive by the inclusion of data for the Mutual Broadcasting System. This has been included in the aforementioned category in that the territory which it covers meets the requirements of common usage of the term "national" in modern distribution better than it does the term "regional."

Terminology has been simplified by the elimination of the word "spot." Hereafter "national spot" will be known as "national non-network" and "spot announcements" as "announcements." Greater clarity is thus achieved.

Finally, the sample of contributing stations has been added to materially and will be further increased during the current year.

Developments of the Month

Broadcast advertising exhibited the usual seasonal trends during January. Gross time sales totalled $7,387,825, a gain of 2.9% over the preceding month. National network volume rose 5.8%, slightly more than the usual seasonal up-swing. National non-network volume remained unchanged. Local broadcast advertising declined 12.2% as compared with December, a normal decrease for this period of the year. Regional network advertising decreased 9.2% during the month.

Comparison with January, 1934

Gross time sales during the month were materially ahead of those for the corresponding month of 1934. Total broadcast advertising experienced a gain of 19.8% over the previous January. National network volume was 25.2% greater. National non-network volume gained 14.3%, local broadcast advertising 8.8%, and regional network advertising 8.0%.

Comparison with Other Media

National magazine volume remained comparatively unchanged, and stood 27.5% above the January, 1934, level. Newspaper advertising lineage decreased 22.8% as compared with the previous month, a decline slightly greater than the normal seasonal one. Newspaper volume was 13.0% above the same month of the preceding year. National farm paper advertising was 12.0% less than in December and 3.7% greater than in January, 1934.

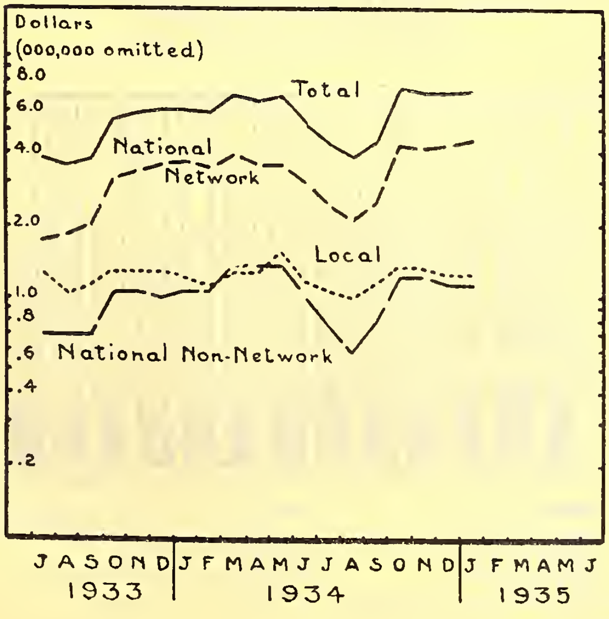
Other Trends

Non-network advertising over stations over 1,000 watts in power declined 5.2% as compared with December, while volume on other power classes rose slightly. Increased network business may be partly responsible for the decline in the high-power group. Gross time sales on stations over a 1,000 watts in power were 9.0% greater than during the previous January. Volume in the 250-1,000-watt class gained 8.3% and among the 100-watt group rose 3.1%.

The New England-Middle Atlantic Area's non-network volume declined 11.3% as compared with December, but was 9.0% ahead of January, 1934. Southern volume de-

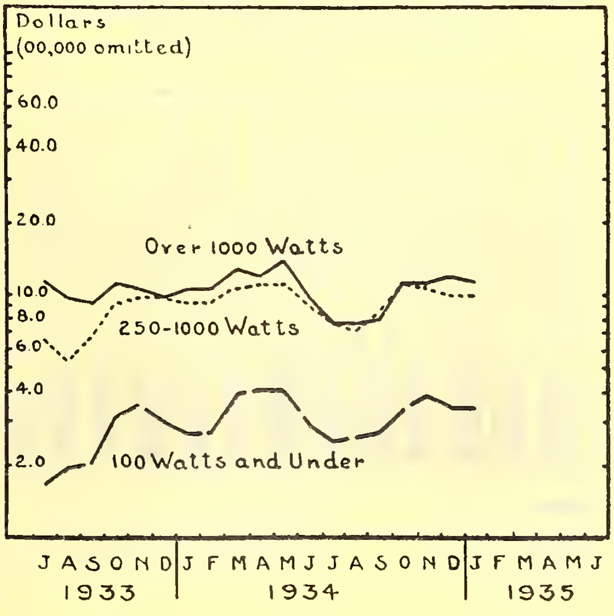
RADIO BROADCAST ADVERTISING VOLUME

July, 1933, to January, 1935

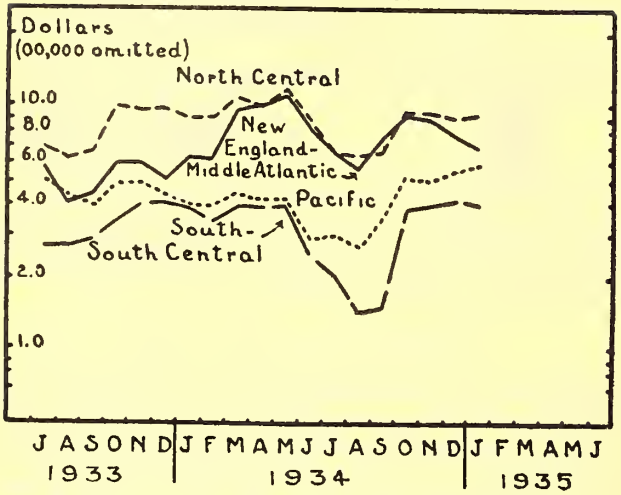


NON-NETWORK ADVERTISING BY STATION POWER

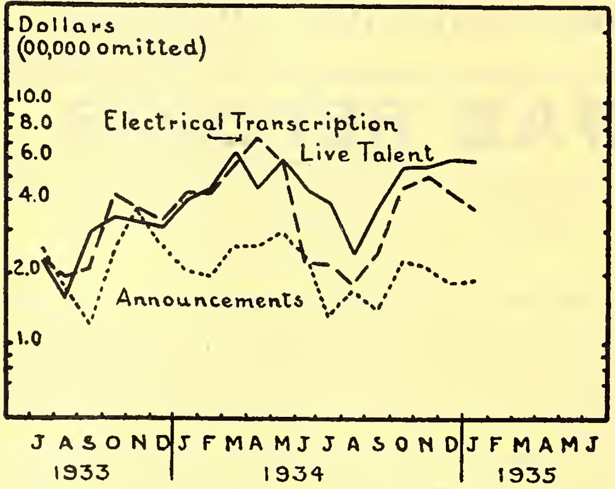
July, 1933, to January, 1935



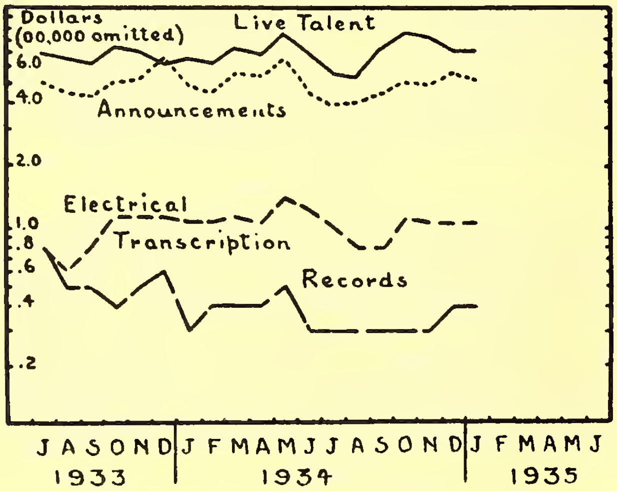
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to January, 1935



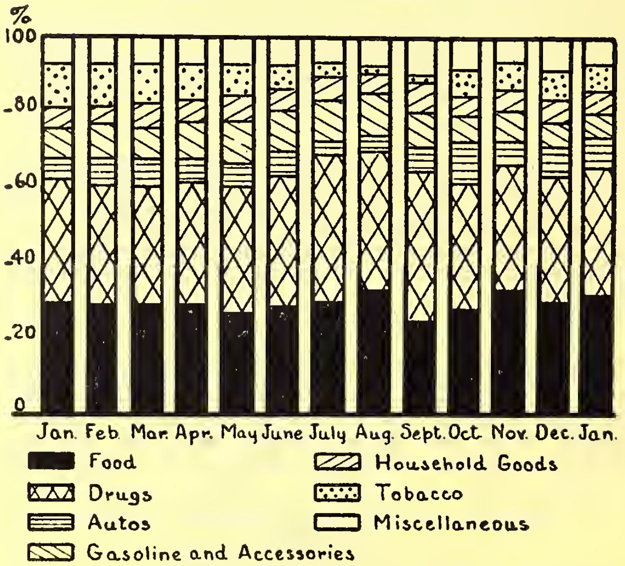
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to January, 1935



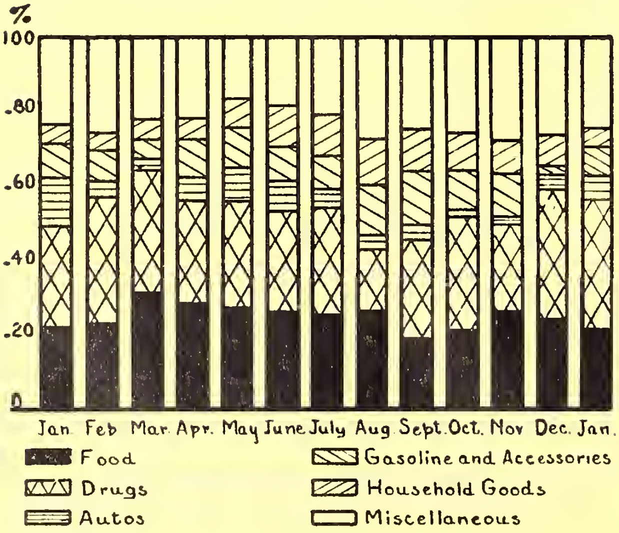
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to January, 1935



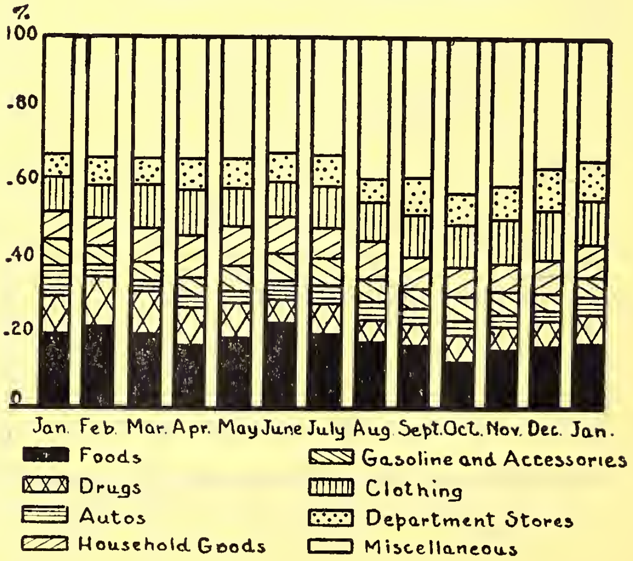
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
January, 1934, to January, 1935



NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
January, 1934, to January, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
January, 1934, to January, 1935



clined slightly, while Middle Western and Far Western volume rose slightly. Southern volume was 2.8% above the same month of 1934, Middle Western volume 3.8% ahead, and Far Western volume 45.4% above the preceding January.

National non-network transcription business dropped 11.7% as compared with December, and was 2.1% under the January, 1934, level. Live talent volume declined slightly, but remained 46.5% above the corresponding month of last year. Announcement business rose 25.9% during the month and was 12.7% above last year.

No significant changes occurred during the month in local broadcast advertising. Transcription volume was 5.5% above January, 1934, live talent 10.2% greater, announcement volume 4.1% higher, and records 14.3% over the previous year's level.

Sponsor Trends in January

General seasonal trends prevailed throughout the various fields of sponsorship with few exceptions. Automobile advertising continues its spectacular gains, though a trend toward network from national non-network and local sponsorship is indicated. Less local auto show pressure occurred this year. Radio set advertising remained comparatively unchanged, contrary to seasonal trend.

Retail advertising showed the most interesting developments, declining but 4.0% as compared with the preceding month and standing at a level 34.4% higher than in January, 1934. The December-January decline last year was 13.2%. Local department store advertising was double that of the same month of the preceding year.

Detailed information regarding broadcast advertising by various product and service groups is as follows:

1a. ***Amusements.*** Increased 10.8% as compared with December, and 27.5% higher than same month last year. National non-network volume double following serious decline for several months. This is reason for increase.

1. ***Automotive.*** National network volume 11.4% above December, regional network volume materially above, national non-network volume and local advertising both 40.0% greater. National networks 192.8% above January, 1934. Regional volume down 21.0%, national non-network down 50.0%, and local down 30.0%. Network trend and less auto show promotion are the reasons.

2. ***Gasoline and accessories.*** Usual seasonal decline except for local business. National networks down 2.8% against December, regional networks 16.8%, and national non-network volume 25.0%. Local advertising up 35.8%. National network volume 8.8% below January, 1934, regional advertising one-half as great, local 18.8% under, and national non-network 11.7% over.

3. ***Clothing.*** Decline less than usual seasonal down-swing. National network down 2.0%, national non-network 11.1%, and local 8.4%. Regional volume up 59.1% compared December. National network advertising 6.0% above January, 1934, regional network tripled, national non-network nearly double, and local 46.6% above.

4. ***Drugs and pharmaceuticals.*** Usual seasonal up-swing. National networks 7.1% above, regional networks 46.5%, and local 9.0%. National non-network down 7.6%. Compared same month last year, national networks 67.3% above, regional volume double, national non-network business 54.5% greater, and local advertising down 16.8%.

5. ***Toilet goods.*** National network volume 10.7% above December, regional volume unchanged, local slightly down, and national non-network 80.0% greater. National networks 20.0% above January last year, national non-network business 28.6% above, local volume unchanged, and regional networks materially higher.

6. **Foodstuffs.** Decline national network volume 4.5%, regional 10.0%, national non-network 16.0%, and local 18.8% compared December. National networks 39.0% above last January, regionals 35.3%, and national non-network 22.1%. Local 19.8% under.

7. ***Beverages.*** Network business 22.4% above preceding month, and local up 40.0%. National non-network down 24.4%. National non-network volume double preceding January, local 24.0% above, and national network 6.1% below.

8. ***Confectionery.*** National network volume up 17.0% and national non-network up 68.8%. Material declines in local and regional business. National non-network 16.4% above same month of 1934, regional unchanged, national non-network half as great, and local increased materially.

9. ***Household appliances.*** Slight increase national and regional network volume compared December. National non-network down 13.4%, and local 10.6%. National network volume still materially below 1933-34; 72.8% during January. Regional up, national non-network 17.7% greater, and local up 55.3%.

10. ***Soap and kitchen supplies.*** National network volume unchanged, national non-network down 20.0%, and local down 40.9%. Network volume 42.9% above last January, national non-network more than double, and local business but one-quarter as great.

11. ***Insurance and financial.*** Moderate gains all fields. National networks 24.6% over January, 1934, national non-network 39.0%, and local 75.0%.

12. ***Radio.*** Network volume unchanged from December, national non-network down materially, and local up 25.0%. Network volume 51.5% over last January, local double, and national non-network unchanged.

13. ***Department and general stores.*** Decline of 10.0% as against December. This compared with 52.1% decline last year. National non-network volume equal January, 1934, and local business double.

14. ***Tobacco products.*** Slight gain network volume was 23.0% increase national non-network as compared with December. Na-

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(January, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements					
1–2. Automobiles and Accessories:	—	—	$10,950	$39,765	$50,715
(1) Automobiles	$371,109	$2,650	71,630	71,510	516,899
(2) Accessories, gas and oils	287,041	9,382	105,240	69,418	471,081
3. Clothing and apparel	28,592	3,477	24,350	174,810	231,229
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	706,308	6,311	343,700	89,133	1,145,452
(5) Toilet goods	913,352	1,060	90,045	19,700	1,024,157
6–8. Food products:					
(6) Foodstuffs	1,015,385	23,229	209,900	177,740	1,426,254
(7) Beverages	289,434	—	33,840	62,880	386,154
(8) Confections	194,873	250	27,125	6,775	229,023
9–10. Household goods:					
(9) Household equipment and furnishings	15,362	4,909	45,770	118,236	184,277
(10) Soap and kitchen supplies	254,034	—	31,540	2,650	288,224
11. Insurance and financial	48,561	—	23,368	56,665	128,594
12. Radios	96,703	—	200	16,565	113,468
13. Retail establishments	—	—	7,250	140,955	148,205
14. Tobacco products	322,628	—	15,835	1,420	339,883
15. Miscellaneous	168,147	6,648	188,787	340,628	704,210
Total	$4,711,529	$57,916	$1,229,530	$1,388,850	$7,387,825

tional network 35.3% below January last year, and national non-network doubled. Local unchanged.

15. *Miscellaneous.* Slight decrease all around. Network volume 22.8% above last year, national non-network 10.0% below, and local 16.0% under.

Retail Advertising. Retail advertising has shown most encouraging improvement. January decline from the preceding month was 4.0% as compared to 13.2% last year, while volume stood 34.4% above the same month of 1934. Outstanding gains as compared with last January are as follows: Gasoline stations, garages, etc., 150.0%; clothing and apparel stores, 44.6%; beauty parlors, double; beverage retailers, six-fold increase; household equipment, 11.5%; furniture stores, 63.0%; hardware stores, 12.0%; radio retailers, 77.0%, and department stores, approximately doubled. Principal declines were one of 20.0% among food retailers and restaurants and 17.6% on the part of automobile dealers.

TOTAL BROADCAST ADVERTISING

Class of Business	*Gross Time Sales* *December, 1934*	*January, 1935*
National networks	$4,450,523	$4,711,529
Regional networks	63,702	57,916
National non-networks	1,231,492	1,229,530
Local	1,430,494	1,388,850
Total	$7,176,211	$7,387,825

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*Gross Time Sales* *December, 1934*	*January, 1935*
Radio broadcasting	$7,176,211	$7,387,825
National magazines [1]	9,115,326	9,025,361
National farm papers	349,108	307,367
Newspapers [2]	44,788,000	36,481,279
Total	$61,428,645	$53,201,832

[1] National magazine totals for 124 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and a portion of national network figures also are taken.

[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station [1]	*Gross Time Sales* *December, 1934*	*January, 1935*
Over 1,000 watts	$1,302,276	$1,237,090
250-1,000 watts	1,012,300	1,030,840
100 watts	347,410	350,450
Total	$2,661,986	$2,618,380

[1] This includes principally high-powered regional and clear channel stations ranging from 5 kilowatts in power upwards.

General Business Conditions

Business continues to gain, though at a slightly lesser rate than during December and early January. The *New York Times* index of business activity was 87.1 on February 16, approximately the same level as during the preceding month. Prices moved ahead slightly. The Bureau of Labor Statistics price index was 9.0% ahead of the same period of 1934 on February 16. Principal increases were in farm and food prices, other prices remaining practically unchanged. The farm product index was 79.2 as compared with 61.2 during the same period of last year.

Retail trade was fairly favorable. Variety store volume in January was 4.0% below 1934. Chain grocery store sales were 4.5% greater, and rural retail sales 10.0% above. Retail auto sales were 138.0% greater than in January, 1934. On the other hand, there has been a slight recession in automobile production during recent weeks.

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

	Gross Time Sales *Dec., 1934*	*Jan., 1935*
Automobiles and accessories:		
Automobile agencies and used car dealers	$54,360	$84,400
Gasoline stations, garages, etc.	57,946	60,000
Clothing and apparel shops	193,030	177,800
Drugs and toilet goods:		
Drug stores	29,515	20,770
Beauty parlors	6,743	9,110
Food products:		
Grocery stores, meat markets, etc.	38,400	38,638
Restaurants and eating places	22,460	16,020
Beverage retailers	2,060	10,336
Confectionery stores	2,686	1,720
Household goods:		
Household equipment retailers	35,958	29,300
Furniture stores	74,945	72,486
Hardware stores	10,535	9,328
Radio retailers	20,294	15,957
Department and general stores	163,952	148,205
Tobacco shops	210	614
Miscellaneous	95,360	71,345
Total	$808,724	$766,029

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	*Gross Time Sales* *December, 1934*	*January, 1935*
New England-Middle Atlantic Area	$767,349	$691,300
South Atlantic-South Central Area	422,090	401,460
North Central Area	911,233	939,790
Pacific and Mountain Area	561,314	585,830
Total	$2,661,986	$2,618,380

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	Gross Time Sales *National Non-network*		*Local*		*Total*	
Type of Rendition	*Dec., 1934*	*Jan., 1935*	*Dec., 1934*	*Jan., 1935*	*Dec., 1934*	*Jan., 1935*
Electrical transcriptions	$427,510	$376,480	$112,580	$114,180	$540,090	$490,660
Live talent programs	614,952	597,685	731,534	723,735	1,346,486	1,321,420
Records	4,330	3,850	35,660	43,500	39,990	47,350
Announcements	184,700	251,515	550,720	507,435	735,420	758,950
Total	$1,231,492	$1,229,530	$1,430,494	$1,388,850	$2,661,986	$2,618,380

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS * * * * Vol. 3 - - No. 14
MARCH 15, 1935

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PRALL BECOMES FCC CHAIRMAN

Judge Eugene O. Sykes has resigned as chairman of the Federal Communications Commission and Commissioner Anning S. Prall was elected to succeed him.

Judge Sykes forwarded his resignation to President Roosevelt in a letter dated March 8 and it was accepted by the President on the same day in a letter expressing the President's "appreciation of your work as chairman during the period of reorganization."

Judge Sykes was immediately named chairman of the Broadcast Division of the Commission, succeeding Chairman Prall, who had held this post since his appointment to the Commission. Commissioner Norman S. Case was named as a member of the Broadcast Division in place of Commissioner Thad H. Brown, who was transferred to the Telephone Division.

The new lineup of Divisions as announced by the Commission follows:

Division No. 1—Broadcasting

Commissioner E. O. Sykes, Chairman;
Commissioner Norman S. Case, Vice-Chairman;
Commissioner Anning S. Prall.

Division No. 2—Telegraph

Commissioner Irvin Stewart, Chairman;
Commissioner George Henry Payne, Vice-Chairman;
Commissioner Anning S. Prall.

Division No. 3—Telephone

Commissioner Paul A. Walker, Chairman;
Thad H. Brown, Vice-Chairman;
Commissioner Anning S. Prall.

At the same time the Commission made public its new schedule of meeting dates for the various Divisions as follows:

1. The Broadcast Division meeting will be held each Tuesday, at 10 a. m.
2. The Telegraph Division meeting will be held each Tuesday, at 2:30 p. m.
3. The Telephone Division meeting will be held each Wednesday, at 10 a. m.
4. The Commission en banc meeting will be held each Wednesday, at 2:30 p. m.

The events of the week were taken as an indication that other shifts are to follow in the future. Chairman Prall made the motion under which Commissioner Case and Commissioner Brown changed assignments. It was seconded by Commissioner Stewart. All of the Commissioners voted in the affirmative except Commissioner Walker, who dissented, explaining that his opposition was due to his appreciation of Commissioner Case's services as a colleague and former member of the Telephone Division. Commissioner Case did not vote.

At the time of the change Commissioner Brown was in the South holding broadcast hearings in pursuance to instructions from the Broadcast Division. The Commission en banc approved this matter this week.

BILL WOULD REPEAL DAVIS AMENDMENT

A bill to repeal the allocation provisions of the Federal Communications Commission Act (S. 2243) was introduced in the Senate this week by Chairman Wheeler of the Senate Interstate Commerce Committee.

The bill would repeal section 302 of the present act which defines the boundaries of the five zones and amend subsection (b) of section 307 of the act as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and in so far as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same."

This bill, if enacted into law, would repeal the so-called Davis Amendment provisions of the old radio act. It is in line with the recommendations of the Federal Communications Commission and also in accordance with resolutions adopted by the NAB at all of its conventions since 1928.

The bill has been referred to the Senate Interstate Commerce Committee.

MUSIC PUBLISHERS GET CODE

The National Industrial Recovery Board has approved a code of fair competition for the music publishing industry, effective March 18.

The code provides a basic maximum work week of 38 hours and a basic minimum weekly wage of $15. It sets up separate code authorities for the standard and popular music divisions of the industry, with a coordinating committee to deal with questions affecting both divisions.

The NIRB said in its order that approval of the code or of any subsequent amendments "shall not be deemed or construed as approving, sanctioning or condoning any of the acts alleged in the petition filed in the United States District Court of New York, August 30, 1934, and now pending therein, entitled United States vs. American Society of Composers, Authors and Publishers; Music Publishers' Protective Association, et al. * * *."

The NAB insisted that nothing in the code should in any way interfere with the court's determination of the above suit and also insisted that the code be not extended to cover public performance rights. Both of these points were accepted by the NIRB in approving the code.

"Song pluggers," outside salesmen, emergency repair and maintenance workers and executives are exempt from the hours provisions. Emergency maintenance and repair workers are to receive time and a half for hours beyond eight per day or 40 per week.

Regular employees are to receive a minimum weekly wage of $15, and part-time employees a minimum of 42 cents per hour. The right of collective bargaining is guaranteed, and employment of persons under 16 is forbidden.

Practices forbidden by the trade practice rules include:

Bribery of performers to "puff" songs;

Furnishing of special arrangements or professional copies or orchestrations to performers by publishers;

Purchase of advertising space in benefit programs "if the purchase is in effect a gift to or favor for any performer"; or purchase of advertising "intended to puff, flatter, compliment or exploit any performer, singer or orchestra leader";

Payment by a publisher to induce talking machine, radio broadcasting, electrical transcription, motion picture or other entertainment companies or personnel to use a publisher's music;

Other forms of commercial bribery;

Publication of any compilation of songs or lyrics without the special written permission of copyright owner.

Separate code authorities, each with five members, are to be elected by the two divisions, under the supervision of the divisional code committees.

Each code authority is to name two members of the coordinating committee. The four are to choose the fifth member. An Administration member may be appointed to each code authority and to the coordinating committee by the NIRB.

"THE WRECK OF OLD 97"

Broadcasting stations have received letters from Robert L. Nase, attorney for David Graves George, demanding payment for infringement of use of the song "The Wreck of the Old 97."

These letters grow out of the following facts:

George claimed authorship of the song "The Wreck of the Old 97." He brought suit against RCA-Victor, and Judge Avis in the District Court filed an opinion upholding his claim of authorship. A master was appointed to assess damages.

An appeal was taken to the Circuit Court of Appeals, which Court reversed the findings of Judge Avis as to authorship of the song. A certiorari was then requested of the Supreme Court of the United States, which Court limited argument to the technical point as to whether or not the Circuit Court of Appeals had jurisdiction to hear the case before the damages had been assessed. The Supreme Court ordered the Circuit Court of Appeals to dismiss the appeal taken to it, which brings the case back to the master for assessment of damages.

It has been indicated by attorneys for RCA-Victor that following this assessment an appeal will then be taken to the Circuit Court of Appeals, which court has already determined that George is not the author of the song.

Broadcasters receiving requests for payment may communicate with Mr. Isaac D. Levy, 1622 Chestnut Street, Philadelphia, Pa.

SESAC ANNOUNCES ACQUISITIONS

The Society of European Stage Authors and Composers has announced the following catalog acquisitions:

O. Pagani and Brother, New York, N. Y.
Apollo Music Publishing Company, New York-Athens.
F. Grabczewski, Warsaw, Poland.
Leon Idzikowski, Warsaw, Poland.
M. M. Cole Publishing Co., Chicago, Ill.

FEDERAL TRADE COMMISSION ACTIVITIES

Unfair competition of various types will be discontinued by the following companies under stipulation between the Federal Trade Commission and the concerns in question:

No. 1303. Unfair advertising by radio and in publications will be discontinued by George Moore, Volney James and Ben Odell, trading as "Formula 515 Laboratories," Hollywood, Calif. The use of the word "Laboratories" will be discontinued as part of the trade name or in any way so as to tend to deceive the public into believing that they own, control or operate a laboratory when this is not true.

No. 1304. Julius Goldstein, shoe jobber, 200 Lincoln St., Boston, Mass., agrees to discontinue using the word "Doctor" in any way tending to deceive the public into believing that the shoes he sells are made in accordance with the design or under the supervision of a doctor having a special knowledge of orthopedics.

COMMISSION WINS DON LEE CASE

The United States Court of Appeals for the District of Columbia has upheld the Federal Communications Commission in the appeal of the Don Lee Broadcasting System against the Commission.

This company applied to the Commission for a construction permit for a new station to be located at Redlands, Calif., asking for 780 kilocycles, 500 watts power, and full time on the air. At the same time Station KTM, Los Angeles, asked for a license renewal on 780 kilocycles, its channel, sharing time with KELW, and also asking permission to make a voluntary assignment of the license to the Evening Herald Publishing Company, of Los Angeles.

After due hearing the Commission denied the new construction permit to the Don Lee Company and granted license renewal to the two stations and allowed them to assign their license to the publishing company. "It is our opinion," says the court, "the foregoing decision of the Commission is founded upon substantial evidence and is not arbitrary or capricious. It is therefore affirmed."

RECOGNITION PLANS PROGRESS

Plans for the creation of an agency recognition bureau for broadcasting are progressing. Splendid response has been received from stations in reply to the NAB request for information regarding current practice as to agency recognition and for suggestions as to the services which might be rendered by the contemplated bureau.

Approximately two-thirds of all member stations replied to the NAB questionnaire. The completeness of the information furnished by stations and the soundness of many of the suggestions which were made were indicative of a rather thorough appreciation of the recognition problem among broadcasters.

Replies indicated information most desired by broadcasters to be with regard to the financial status and credit standing of agencies, and the extent to which they were bona fide agencies capable of rendering broadcast advertising service to clients.

A great deal of the preliminary work has been completed with regard to the contemplated bureau, and though final details still remain to be determined, it is certain that recognition standards employed will include measures of financial standing, competency to render broadcast advertising service, operation as a bona fide agency, and the translation of station commissions into advertising service without direct or indirect rebating.

While plans for a recognition bureau for broadcasting as a whole have been pushed in Washington, a highly significant step with regard to local agency recognition has been taken in the Minneapolis-St. Paul district in the formation of the Association of Twin City Newspaper and Radio Stations.

The purpose of the Association is to pass on the recognition of local advertising agencies and to bring about the exchange of credit information. The undertaking is an excellent example of what can be accomplished in the way of the development of standard recognition practice in the local field, and constitutes a most important supplement to any program which the NAB may develop for broadcasting as a whole.

Radio stations included in the Association are KSTP, WCCO, WDGY, and WTCN. James Cole is chairman of the group.

Standards which the agency must meet before being accorded recognition that have been adopted by the Association are as follows:

1. *Financial Stability.* The agency must furnish evidence of its financial stability. It must have resources adequate to its needs and have business practices that are sound.
2. *Demonstrated Ability.* The principals as individuals and the agency as an organization must have demonstrated their ability to develop and serve advertisers. The individual applicant must have satisfied the Association of his or its integrity and financial ability to meet its just obligations.
3. *Ethical Practices.* (a) The agency must be operated primarily in the advertising agency business with a minimum of three accounts; (b) Translating the commissions paid by newspapers and radio stations into service to the advertiser without direct or indirect rebating.
4. *Cooperative Practice.* No agency commission will be paid on accounts which the station has developed and where the station salesman has secured the order and schedule prior to receiving an agency order. Regular commissions will be gladly paid to the agency, however, on any subsequent contract or schedule that may come through the agency for this same account. Non-commissionable advertising as above outlined is not to be included in the twelve months' rebate allowed upon recognition.

A slightly different provision regarding non-commissionable contracts has been set up with regard to the newspapers in the Association in keeping with practice in that field.

Information required from applicant agencies includes a statement of ownership, financial references, name of the applicant's bank, and a list of active clients (billing during the past six months being considered active).

STATE LEGISLATIVE PROBLEMS ACUTE

Problems resulting from state legislation have reached the stage where they may represent a new and added burden on the broadcasting industry amounting to far more than the total tribute now paid to ASCAP. The major problem is that of taxation by the states, and the issue as to whether or not all radio broadcasting is in fact interstate commerce, and hence not taxable as to its revenues by the states, is due before long for a definite decision.

The outstanding development in this field is the announcement on Monday, March 11, that the United States Supreme Court will review the findings of the Supreme Court of Georgia in the case of City of Atlanta vs. Oglethorpe University. This case is of vital importance to the entire broadcasting industry.

The City of Atlanta imposed a license fee of $300 per year on all broadcasting stations. Oglethorpe University, operating WJTL, went to the courts, and a first decision was rendered by the Supreme Court of Georgia on February 14, 1934. This decision held, in substance, that even though some of the messages from WJTL might go beyond state lines, that fact did not make the broadcasting of the station interstate commerce. After this first decision the case went back for trial to the lower court on the merits. The trial judge directed a verdict for the defendant, the City of Atlanta, and the case was again appealed to the Supreme Court of the State of Georgia. The decision of this Court, handed down January 21, 1935, sustained the trial judge in directing a verdict for the defendant.

This decision, manifestly based on an apparent admission in the pleadings that a considerable part of the activity of WJTL is intrastate, appears directly at variance with the many decisions, including those of the Supreme Court of the United States, that for regulatory purposes all broadcasting, without exception, is interstate commerce. This point is clearly brought out in the briefs filed in the other important state tax case now actively before the courts, the case of Fisher's Blend Station, Inc., vs. the Tax Commission of the State of Washington and the members of that Commission.

In the Washington case, the Supreme Court of Thurston County granted a permanent injunction restraining the Tax Commission of the State of Washington, and its members, from collecting from Fisher's Blend Station, Inc., the tax on the gross revenues of broadcasting provided in the state law. Briefs in this case have recently been filed in the Supreme Court of the State of Washington by Venables, Graham & Howe, attorneys for Fisher's Blend Station, Inc., and by the Attorney General representing the Tax Commission.

The briefs for the respondent clearly bring out the point, apparently not made clear in the Oglethorpe case, that every broadcast, no matter what its nature, is necessarily interstate in character, and that it is not possible to transmit a broadcast which does not pass over state lines.

What the final determination of this issue means to the broadcasters is apparent from a survey of the bills already pending in state legislatures on the subject, particularly when it is realized that if the Supreme Court of the United States upholds the Supreme Court of Georgia, it will not be long before practically all the other states will seek to enact laws similar to those now pending.

Arizona H. 118 provides for a general sales tax of 1 per cent on gross revenues, specifically including radio advertising.

Kansas S. 331 and H. 438 provide for a general sales tax on services, specifically including radio broadcasting. This bill has just been stricken from the calendar but may be introduced again.

Missouri S. 33 provides for a tax of 3 per cent on gross receipts, specifically including radio advertising.

New Mexico S. 1, which has passed both houses, provides a 2 per cent sales tax on gross receipts, specifically including radio broadcasting.

Oklahoma H. 440 provides for a 3 per cent tax on gross sales, specifically including broadcasting.

Pennsylvania H. 1353, just introduced, provides for special taxes on telephone messages and broadcasting, the tax on broadcasting being 2 per cent of the gross receipts.

Texas S. 62 and H. 661 provide for general sales taxes, including a tax of 2¾ per cent on the gross receipts of radio broadcasting. As a further measure of control, Texas S. 421 provides that every broadcasting station must file detailed semi-annual reports with the state comptroller.

Washington already has a sales tax bill which, in its application to broadcasting, is now under consideration by the state Supreme Court. In addition, the Washington House on March 10 passed H. 237, a general tax bill, including a tax on all radio broadcasting stations amounting to 10 cents per watt of rated power annually.

West Virginia already has a tax on all amusement enterprises, including broadcasting, and H. 527 and S. 274 propose an amendment to this act making the tax ½ of 1 per cent on gross revenue. Broadcasting is specifically included in both these bills.

The foregoing outline indicates what the broadcasting industry is immediately facing in the way of taxation if it is found that broadcasting revenues are subject to state taxes. Obviously, however, this would only be the beginning. On the other hand, the whole structure of federal regulation of radio rests on the assumption that all radio transmission, including broadcasting, is exclusively interstate commerce. If it is held by the courts that some broadcasting is intrastate in character, the results, both in imposing enormous additional burdens on the broadcasters, and in breaking down the whole structure of federal regulation, are simply incalculable.

Just to indicate that the state legislative problems of the broadcasters are not confined to taxation, the Washington State Senate on March 7 passed House 518, already passed by the House, extending to broadcasting the provisions of the state laws regarding libel and slander. On the following day the Senate refused to reconsider this bill, which at last reports was before the Governor for his signature.

ASKS NEW RADIO COMMITTEE

Senator McAdoo of California has introduced a resolution in the Senate providing for a "Committee on Aviation and Radio, to consist of 15 Senators," as one of the regular standing committees of that body. At present radio matters are handled by the Senate Committee on Interstate Commerce. The McAdoo resolution has been referred to the Senate Committee on Rules for action.

KSLM RECOMMENDED FOR FULL TIME

Station KSLM, Salem, Ore., applied to the Federal Communications Commission for full time instead of daytime hours. The station operates on 1370 kilocycles with 100 watts power. Ralph L. Walker (e), in Report No. I-26, recommends that the application be granted.

The Examiner found that there appears to be a substantial need for the proposed additional service in the Salem area. He found also that this additional time will not interfere with the "fair and efficient" radio service of stations already licensed.

RECOMMENDS NEW LOUISIANA STATION

Application was made to the Federal Communications Commission by the Evangeline Broadcasting Company for the erection of a new broadcasting station at Lafayette, La., to use 1310 kilocycles, 100 watts power, and unlimited time on the air. Melvin H. Dalberg (e), in Report I-27, has recommended that the application be granted.

It was found by the Examiner that the applicant is technically and financially eligible to erect and run such a station and there is a need in the locality for the proposed new service. No interference would be caused by its erection, he found also.

CONTINUE TIME-SHARING RECOMMENDED

Stations WOWO, Fort Wayne, Ind., and WWVA, Wheeling, W. Va., applied for a renewal of their time-sharing agreement. Ralph L. Walker (e), in Report No. I-28, recommends that the licenses on the time-sharing agreement be renewed.

The Examiner states that the hours specified in the time-sharing agreement are the same as those embodied in the agreement entered into by the two parties and under which the stations now operate.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Morgantown Water Company, Morgantown, W. Va. (2-1305, Form A-1)
Gaskoal Corporation, Chicago, Ill. (2-1306, Form A-1)
Fifth Avenue Realty Corporation, New York City. (2-1307, Form E-1)
Investment Counsel Investment Fund, Inc., Wilmington, Del. (2-1308, Form A-1)
Investment Counsel Equity Fund, Inc., Wilmington, Del. (2-1309, Form A-1)
Chicago Mail Order Company, Chicago, Ill. (2-1310, Form A-1)
Park City Consolidated Mines Co., Ogden, Utah. (2-1311, Form A-1)
Alameda Investment Bondholders Committee, Oakland, Calif. (2-1312, Form D-1)
Alameda Investment Bondholders Committee, Oakland, Calif. (2-1313, Form D-1)
Century Shares Trust, Boston, Mass. (2-1314, Form A-1)
Boulder Gold Mines, Inc., Oakland, Calif. (2-1315, Form A-1)
Refiners Petroleum Corporation, Detroit, Mich. (2-1316, Form E-1)
S. Broadway Building Committee, Los Angeles, Calif. (2-1317, Form D-1)
Doehler Die Casting Company, Toledo, Ohio. (2-1318, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 18, 1935

KFYO—T. E. Kirksey, tr/as Kirksey Bros., Lubbock, Tex.—C. P., **940 kc.**, 500 watts, unlimited time. Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

KGKL—KGKL, Inc., San Angelo, Tex.—C. P., **940 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Raymond L. Hughes, Midland, Tex.—C. P., **1200 kc.**, 100 watts, daytime.

NEW—The Herald Publishing Co., Denison, Tex.—C. P., **1200 kc.**, 100 watts, daytime.

NEW—F. N. Pierce, Taylor, Tex.—C. P., **1310 kc.,** 100 watts, daytime.

NEW—Eugene DeBogory, tr/as Tem-Bel Broadcasting Co., Temple, Tex.—C. P., **1310 kc.,** 100 watts, daytime.

NEW—Palestine Broadcasting Assn., Palestine, Tex.—C. P., **1420 kc.,** 100 watts, daytime.

NEW—A. P. Mueller, Herbert Mueller, Alvin Mueller, Mueller Amusement Co., Seguin, Tex.—C. P., **1500 kc.,** 100 watts, 7:30 a. m. to 2 p. m., 4 p. m. to 10 p. m.

NEW—East Texas Broadcasting Co., Dallas, Tex.—C. P., **1500 kc.,** 100 watts, simultaneously with KGKB, specified hours night.

NEW—Eugene DeBogory, tr/as Paris Broadcasting Co., Paris, Tex.—C. P., **1500 kc.,** 100 watts, daytime.

NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex.—C. P., **1420 kc.,** 100 watts, daytime.

NEW—E. B. Gish (Gish Radio Service), Abilene, Tex.—C. P., **1420 kc.,** 100 watts, unlimited time.

Wednesday, March 20, 1935

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—C. P., **1120 kc.,** 100 watts, daytime.

NEW—Winger and Thomas, Chattanooga, Tenn.—C. P., **1200 kc.,** 100 watts, unlimited time.

Thursday, March 21, 1935

NEW—Dudley J. Connolly, Chattanooga, Tenn.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—M. D. Smith, Jr., d/b as Smith Broadcasting Co., Chattanooga, Tenn.—C. P., **1420 kc.,** 100 watts, unlimited time.

WNRA—Muscle Shoals Broadcasting Corp., Sheffield, Ala.—Modification of license, **1420 kc.,** 100 watts, unlimited time. Present assignment: **1420 kc.,** 100 watts, daytime.

Friday, March 22, 1935

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Wm. A. Schall, Omaha, Nebr.—C. P., **1500 kc.,** 100 watts, unlimited time.

APPLICATIONS GRANTED

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted
1200 C. P. to make changes in equipment.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted
1420 C. P. to move station locally.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted
710 C. P. to install new equipment.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted
1280 authority to determine operating power by direct measurement.

WDAE—Tampa Times Co., Tampa, Fla.—Granted extension of
1220 special experimental authority to operate with 1 KW night, 2.5 KW day, unlimited time, from April 1 to October 1, 1935.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
780 Granted extension of special experimental authority to operate with 1 KW night, 2½ KW day, from March 1 to September 1, 1935.

WMFE—William J. Sanders, New Britain, Conn.—Granted modi-
1380 fication of C. P. to make changes in equipment, extend commencement date to within 60 days of grant and completion date to 90 days thereafter.

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification
560 of C. P. approving transmitter site at Bluff Road, near Columbia, S. C.; increase daytime power from 2½ to 5 KW and extend commencement date to within 30 days after grant and completion date to within 120 days thereafter; also to change equipment.

WILL—University of Illinois, Urbana, Ill.—Granted modification
580 of license to change frequency from **890 kc.** to **580 kc.**; change power to 1 KW, daytime hours.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted
970 modification of C. P. to change type of equipment and antenna system.

WPHR—WLBG, Inc., Petersburg, Va.—Granted license to cover
880 C. P., **880 kc.,** 500 watts, daytime.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—
620 Granted license to cover C. P., **620 kc.,** 250 watts, daytime. (Original C. P. authorized changes in modulating system.)

WKEU—Radio Station WKEU, Griffin, Ga.—Granted license to
1500 cover C. P. authorizing move from LaGrange to Griffin, Ga., and change specified hours to daytime only; **1500 kc.,** 100 watts.

WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broad-
1200 casting Co., Bloomington, Ill.—Granted license to cover C. P. authorizing changes in equipment.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted
610 license to cover C. P. authorizing changes in equipment; **610 kc.,** 1 KW night, 5 KW day, unlimited.

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted license to cover
1310 C. P. authorizing new station to operate on **1310 kc.,** 100 watts, unlimited time, site to be determined.

WPGA—Rome Broadcasting Corp., Rome, Ga.—Granted modifi-
1500 cation of license to change hours of operation from specified to unlimited, **1500 kc.,** 100 watts night, 100 watts day.

KGGM—New Mexico Broadcasting Co., Aubuquerque, N. Mex.—
1230 Granted C. P. approving transmitter and studio location in Albuquerque, and application dismissed from the Hearing Docket.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—
1360 Granted renewal of license, **1360 kc.,** 500 watts, specified hours, with authorization to operate with 1 KW from local sunrise to local sunset on Sunday. (Application dismissed from Hearing Docket.)

WDZ—James L. Bush, Tuscola, Ill.—Application for renewal of
1070 license dismissed from Hearing Docket and granted for regular period; **1070 kc.,** 100 watts, daytime.

SET FOR HEARING

WCAO—The Monumental Radio Co., Baltimore, Md.—Application
600 for C. P. to make changes in equipment and increase night power from 500 watts to 1 KW.

NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—
1420 Application for C. P. to erect a new station, **1420 kc.,** 100 watts, unlimited.

WBHS—Virgil V. Evans, Huntsville, Ala.—Application for C. P. to
1200 move studio and transmitter from Huntsville, Ala., to Chattanooga, Tenn.; change hours of operation from 6/7 time to unlimited.

NEW—John Brown University, Siloam Springs, Ark.—Application
1500 for C. P. to erect a new station, **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

WTRC—Truth Radio Corp., Elkhart, Ind.—Application for C. P.
1310 to make changes in equipment and increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Application
1120 for modification of C. P. to extend completion date from March 20 to April 20, 1935. (To be heard before Commissioner Brown on April 8, in Los Angeles.)

NEW—Hazlewood, Inc., West Palm Beach, Fla.—Application for
1200 C. P. to erect a new station, **1200 kc.,** 100 watts, unlimited. (To be heard with Miami applications.)

NEW—Luther E. Gibson, d/b as Times Herald Publishing Co.,
850 Vallejo, Calif.—Application for C. P. to erect a new station, **850 kc.,** 250 watts, daytime.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Appli-
1210 cation for C. P. to install new equipment and increase power from 50 watts night and day to 100 watts night, 250 watts day.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Applica-
600 tion for modification of special experimental authorization to operate additional power of 500 watts night and 1500 watts day, at new location in Marion Township, Iowa.

WLBC—Donald A. Burton, Muncie, Ind.—C. P., already in Hear-
1310 ing Docket, amended so as to request changes in equipment and increase in power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day. (Formerly requested unlimited time, now requests present assignment of simultaneous day with WTRC, share with WTRC at night.)

NEW—Hauser Radio Co., C. R. Hauser and John McGinniss,
1310 Ventura, Calif.—C. P., already in Hearing Docket, amended so as to request **1310 kc.,** 100 watts, unlimited time, instead of **1210 kc.,** 100 watts, daytime.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and
1390 Bostwick, St. Albans, Vt.—C. P., already in Hearing Docket, amended so as to request the use of **1390 kc.,** and 1 KW day, to move transmitter 3 miles west of old location. Amendment requests changes in equipment and changes in specified hours formerly requested.

MISCELLANEOUS

WSBT—The South Bend Tribune, South Bend, Ind.—Application
1360 for renewal of license removed from Hearing Docket and granted for regular period; **1360 kc.**, 500 watts, specified hours.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Denied
1120 application for special temporary authorization to operate on **1120 kc.**, with power of 250 watts day and night, unlimited time, except for the hours of 8 to 9 p. m., CST, on Monday and Friday nights, which hours are now assigned to WTAW, but for a period not to exceed 30 days, in order to allow KGHI to more adequately serve the City of Little Rock and surrounding territory.

KIT—Carl E. Haymond, Yakima, Wash.—Denied application for
1310 special temporary authorization to operate from local sunset (March sunset 6 p. m., PST), to 7:45 p. m., PST, during month of March, 1935, with power of 250 watts, in order to broadcast frost warnings.

NEW—Dr. J. R. Burgess and Geo. B. Bairey, d/b as WHM Broad-
1420 casting Co., Helena, Mont.—C. P., **1420 kc.**, 100 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Applica-
560 tion for modification of license, **560 kc.**, 1 KW, share with WFI, and application for special experimental authorization, **560 kc.**, 1 KW, share with WFI, were retired from Hearing Docket to closed files since the deletion of Station WLIT, after assignment of license to WFIL Broadcasting Co.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Reconsidered
610 action in consolidating this application with hearings scheduled on applications of KFRC and WDAF, and granted petition for separate hearing on KFBB application to be held March 25, 1935. This application is for a special experimental authorization to operate on **610 kc.**, with 1 KW.

WMFH—Joseph M. Kirby, Boston, Mass.—Denied petition asking
1120 that Commission reconsider its action in designating for hearing application for night-time operation with 250 watts.

W. O. Ansley, Jr., Abilene, Tex.—Granted petition to intervene at hearing of application of Denton Broadcasting Co. and Palestine Broadcasting Co. for new stations at Abilene, Denton, and Palestine, Tex.

KMAC—W. W. McAllister, San Antonio, Tex.—Hearing scheduled for March 18th continued for sufficient time to enable adequate notice to be given all interested parties of the enlargement of the notice of hearing to include the issue: "To determine the nature and character of experiments proposed to be conducted."

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—De-
1290 nied petition asking Commission to reconsider action in designating for hearing application for authority to make changes in equipment and to increase daytime power from 2.5 KW to 5 KW and to grant the same. Hearing scheduled for March 29, 1935.

WCLS—WCLS, Inc., Joliet, Ill.—Reconsidered and granted appli-
1310 cation for unlimited daytime operation. Denied application for unlimited night-time operation.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Denied mo-
970 tion asking that Commission default and deny application of Journal Company (Milwaukee Journal), Milwaukee, Wis.

John G. Curtis, Erie, Pa.—Denied request for continuance for 60
1370 days of hearing scheduled for March 26, 1935, on application for C. P. for new radio station to operate on **1370 kc.**, 100 watts.

Brothers & England, Wellington, Ohio.—Denied request for con-
1370 tinuance of hearing scheduled for March 26, 1935, for authorization to operate a radio broadcasting station on **1370 kc.**, with 100 watts power.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Sus-
1460 tained motion to dismiss protest of KSTP against application of Minnesota Broadcasting Corp. so as to show location of transmitter site and extension of the commencement and completion dates of construction.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Denied peti-
880 tion asking that Commission reconsider action in designating for hearing application for C. P. to make changes in equipment and to increase power from 250 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license to
970 change frequency from **1430 kc.** to **970 kc.**

WEEI—Edison Electric Illuminating Co. of Boston, Mass.—Con-
590 struction permit for installation of new equipment and to change power from 1 KW to 5 KW day and night. Amended to use directional antenna.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 License to cover construction permit (1-P-B-1492) as modified to install new equipment, increase power, and move transmitter.

WSYB—Philip Weiss, d/b as Philip Weiss Music Co., Rutland, Vt.—
1500 Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts.

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to
1120 install new equipment and increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WATR—The WATR Company, Inc., Waterbury, Conn.—Modifi-
1190 cation of license to change frequency from **1190 kc.** to **1200 kc.**, power from 100 watts daytime to 100 watts day and night, and hours of operation from daytime to unlimited. Amended to omit request for change in frequency and to change hours of operation from daytime to limited time (local sunset at San Antonio, Tex.).

WAWZ—Pillar of Fire, Zarepath, N. J.—Construction permit to
1350 make equipment changes (antenna) and increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WAWZ—Pillar of Fire, Zarepath, N. J.—Authority to install auto-
1350 to increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WAWZ—Pillar of Fire, Zarepath, N. J.—Modification of license
1350 matic frequency control.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification
1250 of license to use WHBI's transmitter as auxiliary.

Second Zone

WHJB—Pittsburgh Radio Supply House, Pittsburgh, Pa.—License
620 to cover construction permit (B2-P-307) to make equipment changes.

WKAR—Michigan State College, East Lansing, Mich.—Construc-
1040 tion permit to make changes in equipment (antenna and transmitter).

WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Special experi-
560 mental authorization to increase power to 1 KW. Amended to change name to WFIL Broadcasting Co.

WSAN—WSAN, Inc., Allentown, Pa.—Extension of special ex-
1440 perimental authorization to operate with additional 250 watts power (operating power 250 watts) for period of 90 days.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Con-
1420 struction permit to install new equipment and increase day power from 100 watts to 250 watts.

WCBA—B. Bryan Musselman, Allentown, Pa.—Extension of spe-
1440 cial experimental authorization to operate with additional 250 watts power (operating power 250 watts) for period of 90 days.

WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Modification of
560 license to increase power from 500 watts to 1 KW. Amended to change name from WFI Broadcasting Co. to WFIL Broadcasting Co.

Third Zone

NEW—H. K. Glass and M. C. Kirkland, Eustis, Fla.—Construc-
1310 tion permit for new station on **1310 kc.**, 100 watts day, request call WFIH. Amended as to transmitter site.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Special ex-
1240 perimental authority to install new equipment, operate on **1240 kc.**, 250 watts, 1 KW day, for period of six months.

WALA—Pape Broadcasting Corp., Mobile, Ala.—Modification of
1380 license to increase power from 500 watts, 1 KW day, to 1 KW day and night.

KFRO—Voice of Longview, Longview, Tex.—Modification of
1210 license to change frequency from **1370 kc.** to **1210 kc.** and hours of operation from daytime to unlimited, facilities of KWEA.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—
1420 Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

NEW—Big Spring Herald, Inc., Big Spring, Tex.—Construction
1500 permit to erect a new station to operate on **1500 kc.**, 100 watts, unlimited.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co.,
1420 Abilene, Tex.—Construction permit to erect a new station to operate on **1420 kc.**, 100 watts, unlimited.

NEW—Reporter Publishing Co., Abilene, Tex.—Construction per-
1420 mit to erect a new station to operate on **1420 kc.**, 100 watts, unlimited.

WAIM—Wilton E. Hall, Anderson, S. C.—Modification of con-
1200 struction permit to erect a new station to operate on **1200 kc.**, 100 watts, unlimited. Amended to make changes in equipment and giving transmitter and studio locations as Anderson College, Anderson, S. C.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification
1320 of construction permit authorizing erection of a new station to operate on **1370 kc.**, 100 watts, daytime, requesting extension of completion date from 4-11-35 to 6-11-35.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina,
920 Spartanburg, S. C.—Modification of construction permit authorizing changes in equipment, change of frequency **from 1420 kc.** to **920 kc.**, hours of operation from unlimited to daytime, and power from 100 watts, 250 watts day, to 1 KW day and night, and move transmitter locally, requesting extension of completion date from 3-21-35 to 4-21-35.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—License
1180 to cover construction permit (3-P-B-3269) to move transmitter, make changes in equipment, and increase power.

Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Ex-
1460 tension of special experimental authorization to operate with an additional 15 KW power from 6 a. m. to local sunset, for period ending 11-1-35.

NEW—"Radio Chapel of the Air," Rev. Robert E. Connely, Pres.,
1380 Minneapolis, Minn.—Construction permit for a new station to be operated on **1380 kc.**, 100 watts power, unlimited. Amended: Studio and transmitter sites to be determined.

KFBI—Farmers & Bankers Life Ins. Co., Abilene, Kans.—Con-
1050 struction permit to make equipment changes; move studio from 412 N. W. 3rd St., Abilene, Kans., to corner First and Market Sts., Wichita, Kans.; transmitter from corner 5th and Barry Sts., Milford, Kans., to 3 miles west of city limits on Highway No. 54, Wichita, Kans.

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of
1300 license to move studio from 6400 E. Central Ave., Wichita, Kans., to Hotel Lassen, Wichita, Kans.

WIBW—Topeka Broadcasting Assn., Topeka, Kans.—License to
580 cover construction permit (B4-P-247) to increase power from 1 KW to 1 KW, 5 KW day.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make
1020 changes in equipment and increase power from 100 watts to 250 watts, change frequency from **1070 kc.** to **1020 kc.** when KYW moves to Philadelphia. Amended to make further changes in equipment.

KLPM—John B. Cooley, Minot, N. Dak.—Consent to transfer of
1240 control of corporation from John B. Cooley to Northwest Radio Service, Inc.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construc-
1210 tion permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

WTRC—Truth Radio Corporation, Elkhart, Ind.—Voluntary as-
1310 signment of license to The Truth Publishing Co., Inc.

KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Construction
680 permit to install new equipment and increase power from 2½ KW day to 5 KW day. Amended: Transmitter site to be determined.

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—
1370 Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Modifica-
670 tion of construction permit authorizing move of transmitter and increase of power from 5 KW to 50 KW, requesting extension of completion date from 4-4-35 to 7-4-35.

KFH—The Radio Station KFH Co., Wichita, Kans.—Construction
1300 permit to make changes in equipment and increase power from 1 KW to 1 KW, 5 KW day.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Special ex-
950 perimental authorization to operate with 5 KW power night for license period.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—License to cover
1350 construction permit (B4-P-196) to make changes in equipment and increase day power.

Fifth Zone

KIUJ—J. H. Speck, Santa Fe, N. Mex.—License to cover con-
1310 struction permit (B5-P-22) as modified for a new station.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construc-
710 tion permit to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construc-
710 tion permit to install new equipment.

KFWB—Warner Brothers Broadcasting Corp., Hollywood, Calif.—
950 Special experimental authorization to install new equipment and to operate with 5 KW power night-time, for period to 4-1-35.

NEW—Southern Oregon Publishing Co., Roseburg, Ore.—Con-
1500 struction permit for a new station on **1500 kc.**, 100 watts, unlimited; request call of KRNR.

NEW—Clark Standiford, Chico, Calif.—Construction permit to
1210 erect a new station to operate on **1210 kc.**, 100 watts, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—Construction permit to
850 erect a new station to operate on **850 kc.**, 100 watts, daytime.

KGIR—KGIR, Inc., Butte, Mont.—License to cover construction
1360 permit (B5-P-102) as modified to install new equipment and increase power.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—License to
1400 cover construction permit (B5-P-139) to make equipment changes.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to
1260 move 100-watt transmitter from 127 E. Main Street, Missoula, Mont., to 5 miles northwest of Missoula, near Frenchtown Road; to operate on **1200 kc.**, 100 watts, unlimited time, during period of construction of new transmitter.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Construction permit
590 to increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day, and move transmitter from Sprague Avenue and Post St., Spokane, Wash., to site to be determined. Amended to request 5 KW power day and night.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson,
950 Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Modification of construction permit to erect a new station to operate on **950 kc.**, 250 watts, daytime, giving exact transmitter site. Amended giving site as 2½ miles east of Chico, Calif.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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EDUCATION CONFERENCE MAY 15

The Federal Communications Commission announced this week that the Broadcast Division has set May 15th for commencement of the conference provided for in the Commission's report to Congress following the general hearings (under Section 307c of Communication Act) last fall.

All broadcast licensees, the National Association of Broadcasters, all chain broadcasting companies, all educational, religious and non-profit eleemosynary institutions and all persons, groups and associations of every character interested in the subject to be presented have been invited to attend the conference.

The Broadcast Division also has requested United States Commissioner of Education Studebaker to participate in the hearings.

The Commission's statement follows:

"The Communications Commission, in its report to Congress, as required by Section 307 (c) of the Communications Act, under the caption 'Proposed Action' stated, among other things, the following:

"The Commission proposes to hold a national conference at an early date in Washington, at which time plans for mutual cooperation between broadcasters and non-profit organizations can be made, to the end of combining the educational experience of the educators with the program technique of the broadcasters, thereby better to serve the public interest. The conference should also consider such specific complaints as might be made by non-profit groups against the actions of commercial broadcasters in order that remedial measures may be taken if necessary.

"The Commission intends also actively to encourage the best minds among broadcasters and educators alike in order to develop a satisfactory technique for presenting educational programs in an attractive manner to the radio listener. Cooperation with the United States Commissioner of Education and other governmental agencies already established to assist in building helpful radio programs will be sought to an even greater degree than it now exists. The results of the broadcast survey, which is now being conducted by the Commission to determine the amount and quality of secondary service of large metropolitan broadcasting stations in remote sections of the United States as well as by broadcast stations generally, will be studied with the thought in mind of providing the best possible service to every American radio listener and to provide him with a well-balanced selection of non-profit and public-interest programs. The results of a direct questionnaire survey now under way will be studied with the same thought definitely in mind.

"The Commission feels, in particular, that broadcasting has a much more important part in the educational program of the country than has yet been found for it. We expect actively to assist in the determination of the rightful place of broadcasting in education and to see that it is used in that place.

"There have been protests, particularly by persons interested in the preservation of the broadcasting facilities of educational institutions, against the procedure under which licensees are required to defend their assignments in hearings upon applications of other parties. The Commission now proposes that provisions be made to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established station, to determine whether the application violates any provision of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Under such a provision, applications found inconsistent with law or regulations and applications of those found not qualified to operate stations will be refused without requiring the presence of licensees of existing stations at hearings.

"It is the earnest belief of the Commission that the action planned by it will accomplish results which will prove of lasting benefit to the broadcast structure as well as to the American radio public. The Commission seeks to accomplish the purposes for which the non-profit interests and the broadcasters are earnestly working without the necessity of any radical reallocation, which would precipitate dissatisfaction and chaos and which would tend only to complicate and impede true progress in the broadcast public service.

"In making this report, the Commission is not unmindful of the sincerity with which the well-considered arguments were presented by the non-profit organizations supporting the proposal of a statutory allocation as well as by the broadcasters generally. The fine spirit and cooperation were most helpful. The Commission does not wish to seem to disregard the requests of the non-profit organizations. It is to effectuate these requests and to accomplish the greatest and the widest good that the Commission will undertake the action outlined in this report. It is our firm intention to assist the non-profit organizations to obtain the fullest opportunities for expression. Every sound, sensible and practical plan for the betterment of the broadcast structure will be speedily effected.

"The Commission en banc has delegated to the Broadcast Division the power and duty of calling and holding this conference. Pursuant thereto, the Broadcast Division hereby calls a national conference of all broadcast licensees of the Commission, the National Association of Broadcasters, all chain broadcasting companies, all educational, religious and non-profit eleemosynary institutions and all persons, groups and associations of every character interested in the subject to be present and participate in this conference. The cooperation and participation of all governmental agencies, particularly the United States Commissioner of Education, are especially requested by the Broadcast Division. It is also hoped that, at this hearing, definite plans may be presented for consideration and study.

"The conference will be held in the offices of the Commission in the New Post Office Building, in Washington, D. C., beginning at 10 o'clock Wednesday, May 15th.

"The Commission would like for those who desire to participate to inform it of this fact not later than April 24th, so that an agenda may be prepared by the Division."

TELEGRAPH HEARING CONTINUES

The FCC Telegraph Division, which has been holding hearings since March 4, 1935, under Order No. 12 of that Division, announced today that "Leased Wire Service" will be taken up Monday, March 25th, beginning at 10 A. M.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2286. Clayton R. Hastings, Muncie, Ind., trading as the National Civil Service Institute. A consent order to discontinue using the words "Civil Service" in connection with the order "National" in his trade name or in any way which implies connection with the Federal Government. The order also prohibits misleading representations regarding the availability of Civil Service positions under the Government.

No. 2204. Maurice Smooke, 491 Broadway, New York City, trading as the Standard Handkerchief Manufacturing Co. To cease and desist representing himself or his company as a manufacturer of handkerchiefs until he owns, controls or operates factories in this field; to cease advertising handkerchiefs made in the United States as "London Kerchiefs." Other representations order discontinued, until facts are as represented, are the respondent's allegations that his company purchases raw cotton, that he has factories in Brooklyn, New York and Newark, and that due to large distribution and personal ownership and management buyers are assured the lowest price at all times.

No. 2269. H. Gordon, shoe wholesaler, 118 Duane St., New York City. To discontinue directly or indirectly using "Doctor" or "Dr." in advertising his products or in any way tending to lead buyers into believing that they are made in accordance with the design or under supervision of a doctor, and that they contain special scientific features, when such is not the case. However, certain of the respondent's shoes actually contained orthopedic features.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0830. The Philadelphia Inquirer Co., publisher of the Philadelphia Inquirer, newspaper. To abide by any such action as the Commission may take against certain manufacturers of toilet and beauty preparations inserting advertisements containing allegedly false and misleading representations in the said publication.

No. 0831. W. H. Gannett Pub. Inc., Augusta, Maine, publisher of Comfort Magazine. Same stipulation.

No. 0832. W. J. Thompson Co., Inc., New York City, publisher of Gentlewoman Magazine. Same stipulation.

No. 0833. Hexin, Inc., Chicago, Ill. To cease advertising that its product "Hexin" will afford "quicker" relief; that it is compounded according to physician's formula; that it will relax the muscles or blood vessels, remove pressure on nerve ends, or neutralize acidity, and that "Hexin" is the latest and most startling discovery in modern science.

No. 0834. DeLos Rios Co., Detroit, Mich. To stop representing that its product "Pestanola" is capable of growing or promoting the growth of the eyelashes; that its formula originated in Spain, that the preparation is an old Spanish secret, and to cease using the name "Barcelona" on labels or otherwise indicating erroneously that the company maintains a plant in Barcelona.

No. 1305. Charles Komar, Inc., 152 Madison Ave., New York City. To stop representing certain products as "All Silk," "Pure Silk," or "Silk Crepe," unless the said products meet the agreed standards; and, if they do not, to employ the word "Weighted" in conspicuous type to indicate clearly that the products are weighted with mineral salts and not composed wholly of silk.

No. 1306. Spiro Ruosos, Rochester, N. Y. To cease using the words "Product of Italy" either independently or with the word "Imported" or with Italian pictures as a brand or label so as to imply that his product has been imported from Italy. If the product is made of a substantial part of olive oil produced in Italy, and "Product of Italy" used, then similarly clear indication must be given that the food is not made entirely of Italian ingredients.

No. 1307. William Grennon, New York City, trading as the Liquidating Company. To cease using the trade name "The Liquidating Company" and the word "Liquidating" in a way tending to deceive purchasers into believing that he is acting or is offering goods for sale as a receiver or liquidator under a court order in bankruptcy. He also agrees not to use "Paris" or "France" or words of similar import to the effect that products he sells are made by secret formulae obtained from Paris or that a Parisian has made this "Parfum" for Hollywood.

No. 1308. Agash Refining Corporation, Brooklyn, N. Y. To cease using the words "Lucca" on cans or labels containing its product, either alone or with Italian pictures so as to imply erroneously that the products are imported from the "Lucca" district of Italy. Also to discontinue using the words "Imported from Italy" for these oil products, unless when they are composed in substantial part of Italian-produced oils, the fact that they are not entirley so is clearly indicated.

No. 1309. Adolph Hauptman, importer, New York City. To desist from the use of the word "Mercerized" on brands or labels attached to shoe laces when they have not been mercerized.

No. 1310. Reiss Premier Pipe Co., West New York, N. J., also trading as Island Products Co. To cease using the words "West Indian" independently or in connection with other words or pictures of a tropical island or in any way tending to deceive buyers into believing that the bay rum sold by the company is produced and manufactured in the West Indian Islands.

No. 1311. The University Extension Forum and Kappa Gamma Sorority, Dallas, Texas. To abandon the use of the word "University" either alone or as with the word "Extension" as part of their corporate name, in the sale of courses or instruction or so-called educational programs, and to cease from using the said words in such a way as to deceive the public into believing that the University Extension Forum is an educational institution as such words imply.

No. 1312. I. Haber, Inc., Brooklyn, N. Y., trading as Lily Food Products Co. To discontinue erroneously giving the impression that certain products consist wholly of olive oils imported from the Lucca district in Italy when this is not the case.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These companies will be given until April 12 to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2310. Hoyt & Worthen Tanning Corp., Haverhill, Mass. The respondent's phrase "Sunshine Chamois Genuine Oil Tan French Process," as a brand for its product, is alleged to have a tendency to deceive dealers and public into believing that it is tanned and manufactured in France or according to a French process.

No. 2311. Williams Bros. Tailoring Corp., Troy, N. Y. The respondent is charged with using sales methods which tend to lead the public to believe that clothes ordered from the company are tailor-made or according to individual measurements; that they are made from cloth selected by the purchasers; and that the customers' money is refunded if they are not satisfied, when such is not the fact.

No. 2317. Galion Metallic Vault Co., Galion, Ohio. The respondent is alleged to advertise that its grave vaults remain waterproof and air-tight when placed under ground, when, according to the complaint, water or air may seep into the vaults through the joints, holes, fastening or flanges thereof or through pit holes due to rust or corrosion.

No. 2318. James McCreery & Co., department store, New York City. The store is alleged to have sold as "Toyo Panama" a hat made from paper derived from rice pulp and twisted and woven into a product resembling a Panama straw hat. Though the word "Toyo" means paper, the public is unaware of this, while the word "Panama" as applied to straw hats has a specific geographical meaning.

No. 2319. Chesapeake Distilling & Distributing Corp, Baltimore, Md. The respondent's use of the word distilling in its corporate name, when it is not a distiller but merely engaged in rectifying, blending and bottling liquors, is alleged to tend to mislead dealers and the public into believing that they are buying a product bottled by the original distiller thereof. The complaint charges violation of the Federal Trade Commission Act and the distilled spirits industry code.

Nos. 2312, 2313, 2314, 2315, 2316, 2320 and 2321. H. C. Horseman and S. S. Coston, the latter trading as S. S. Coston Co., Hampton, Va.; George A. Philpotts, Philpotts Post Office, Va.; R. P. Hunt & Son and N. R. Coulbourn, Hampton, Va.; F. H. Ayers & Son, Portsmouth, Va., and Ballard Bros. Fish Co., Willis Wharf, Va. Violation of the blue crab industry code of fair competition.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

George A. Schmidt and Louis Meyer, Trustees, New York City (2-1319, Form F-1)
Committee for Kelly-Springfield Co., New York City (2-1320, Form D-1)
Snow Point Mining Company, Inc., Wilmington, Del (2-1322, Form A-1)
Texla Oil Corporation, Houston, Texas (2-1323, Form A-1)
Forest Lawn Company, Glendale, Cal. (2-1325, Form A-1)
Commodity Corporation, Boston, Mass. (2-1326, Form A-1)
California Alaska Exploration Co., Reno, Nev. (2-1327, Form A-1)
A. P. W. Properties, Inc., Albany, N. Y. (2-1328, Form A-1)
Geneva Terrace Apts. Trust, Chicago, Ill. (2-1329, Form E-1)
Beaver Valley Water Company, Beaver Falls, Pa. (2-1330, Form A-2)
Western Auto Supply Company, Kansas City, Mo. (2-1331, Form A-2)
Hostetter Corporation, Pittsburgh, Pa. (2-1332, Form A-1)
Black Gold Mines Ltd., Fort Erie, Ontario, Canada (2-1333, Form A-1)
Mancos Canyon Gold, Inc., Denver, Colo. (2-1334, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 25, 1935

Before Commissioner Brown, at San Antonio, Texas

KFBI—The Farmers and Bankers Life Insurance Co., Abilene, Kans.—Renewal license, **1050 kc.**, 5 KW, limited time.

Monday, March 25, 1935

NEW—Helena Broadcasting Co., Helena, Montana—C. P. **1420 kc.**, 100 watts, unlimited time.

NEW—Montana Broadcasting Co., Freda Wessell, Secretary, Helena, Montana—C. P., **1420 kc.**, 100 watts, specified hours.

NEW—E. B. Craney, Helena, Montana—C. P., **1420 kc.**, 100 watts, unlimited time.

KFBB—Buttrey Broadcast, Inc., Great Falls, Montana—Special experimental authorization, **610 kc.**, **1 KW**, **2½ KW**, LS, unlimited time. Present assignment: **1280 kc.**, 1 KW, 2½ KW, LS, unlimited time.

Tuesday, March 26, 1935

NEW—John C. Curtis, Erie, Pa.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—F. L. Whitesell, Forty Fort, Pa.—C. P., **930 kc.**, 500 watts, daytime.

NEW—Jackson D. Magenau, Erie, Pa.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Brothers & England (L. C. Brothers & H. P. England), Wellington, Ohio—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—WMAN Broadcasting Co., Mansfield, Ohio—C. P., **1370 kc.**, 100 watts, unlimited time.

WWPA—Clarion Broadcasting Co., Clarion, Pa.—C. P., **850 kc.**, 250 watts, daytime.

WESG—Cornell University, Ithaca, N. Y.—Modification of license, **850 kc.**, 1000 watts, daytime.

Friday, March 29, 1935

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—C. P., **1290 kc.**, 1 KW, 5 KW, LS, unlimited time. Present assignment: **1290 kc.**, 1 KW 2½ KW, LS, unlimited time.

KSCJ—Perkins Brothers Co., Publishers, Sioux City Journal, Sioux City, Iowa—Modification of license, **1290 kc.**, 1 KW, 2½ KW, LS, unlimited time. Present assignment: **1330 kc.**, 1 KW, 2½ KW, LS, simultaneous day with WTAQ, S. H. night.

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—C. P., **1370 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WELL—Enquirer-News Company, Battle Creek, Mich.—Granted C. P. to move transmitter and studio locally; make changes in equipment and increase power from 50 to 100 watts.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted C. P. to make changes in equipment and change power to 100 watts night, 250 watts day, unlimited time.

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted C. P. to move studio and transmitter locally and increase power from 250 watts to 1 KW.

WCOL—WCOL, Inc., Columbus, Ohio—Granted C. P. to make changes in equipment and move transmitter locally.

NEW—Louis Wasmer, Inc., Mobile (Spokane, Wash.)—Granted two C. P. (general experimental station); frequencies **31100, 34600, 37600, 40600 kc.**, 2 watts.

WAWZ—Pillar of Fire, Zarepath, N. J.—Granted authority to install automatic frequency control.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted modification of C. P. to move studio and transmitter locally and make changes in equipment.

KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted modification of C. P. to make changes in equipment and make change in studio and transmitter location locally.

WQER—Georgia School of Tech., Atlanta, Ga.—Granted license to cover C. P. (temporary broadcast pickup station), frequencies **1646, 2090, 2190, 2830 kc.**, 5 watts.

WQET—Same—Same except 10 watts power.

KLO—Interstate Broadcasting Corp., Ogden, Utah—Granted license covering C. P. authorizing changes in equipment.

WTAX—WTAX, Inc., Springfield, Ill.—Granted modification of license to change hours of operation from sharing with WCBS to unlimited.

KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of license to move studio location to Hotel Lassen, Wichita, Kans.

KGIW—Leonard E. Wilson, Alamosa, Colo.—Granted modification of license to change hours of operation from sharing with KIDW to specified hours, to 7 a. m. to 4:30 p. m. daily and 6 to 9:30 p. m. night.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted modification of license to change hours of operation from sharing with KGIW to specified (7 a. m. to 6 p. m. daily; 9:30 p. m. to 12 midnight).

NEW—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted C. P. for a new station to operate on **1310 kc.**, 100 watts, unlimited time.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted extension of special experimental authorization to operate with 250 watts additional power for 90 days.

WSAN—WSAN, Inc., Allentown, Pa.—Same.

SET FOR HEARING

NEW—Lafayette Advertiser Gazette Co., Inc., Lafayette, La.—Application for C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Oscar C. Hirsch, Cape Girardeau, Mo.—Application for C. P., **930 kc.**, 1 KW, daytime.

NEW—H. K. Glass and M. C. Kirkland, Eustis, Fla.—Application for C. P., **1310 kc.**, 100 watts day, 6 a. m. to local sunset.

WGCM—WGCM, Inc., Mississippi City, Miss.—Application for C. P. to make changes in equipment and change frequency from **1210** to **1120 kc.**, and power from 100 watts night, 250 watts day to 500 watts, specified hours to unlimited.

NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for C. P.; frequency **1480 kc.**, 5 KW day. Daytime hours.

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Application for C. P. (experimental relay broadcasting station), frequency **17,780** and **9570 kc.**, 2 KW.

NEW—Robert Louis Sanders, Palm Beach, Fla.—Application for C. P., frequency **1420 kc.**, 100 watts, unlimited time.

NEW—Louis O. Holzman, Hilo, Hawaii—Application for C. P., frequency **1420 kc.**, 100 watts, unlimited time.

NEW—LeRoy Haley, Durango, Colo.—Application for C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Carl C. Struble, The Dalles, Ore.—Application for C. P., frequency **1200 kc.**, 100 watts, unlimited time.

NEW—Hearst Radio, Inc., Albany, N. Y.—Applications for C. P., frequency **970 kc.**, 1 KW, unlimited time and use directional antenna. (To be heard by the Division en banc on May 9, 1935.)

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for C. P. to change studio site locally; make changes in equipment and change frequency from **1300 kc.** to **970 kc.** and increase power from 1 to 5 KW. (To be heard by the Division en banc May 9, 1935.)

NEW—Amon G. Carter, Fort Worth, Tex.—Application for C. P., frequency **970 kc.**, 5 KW power, unlimited time. (To be heard by the Division en banc May 9, 1935.)

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Application for C. P. to change site of transmitter locally, make changes in equipment and increase power from 5 to 10 KW. (To be heard by the Division en banc May 9, 1935.)

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Application for C. P., frequency **1120 kc.**, 250 watts power; S. H. (Unlimited except 8 to 9 p. m., CST, Monday and Friday nights.)

NEW—Harold H. Hanseth, Fresno, Cal.—Application for C. P., frequency, **1410 kc.**, 1 KW power, unlimited time.

NEW—Robert Louis Sanders, San Pedro, Calif.—Application for C. P., frequency, **1180 kc.**, 250 watts, daytime.

WMFI—Patrick J. Goode, New Haven, Conn.—Application for modification of C. P. to extend commencement date to March 13, 1935, and completion date to July 13, 1935.

WHBC—Edward P. Graham, Canton, Ohio—Application for modification of license to change hours of operation from specified to unlimited. Requests facilities of WNBO.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Application for modification of license to increase power from 50 to 100 watts.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for special experimental authority to install new equipment, change frequency from **1500** to **1240 kc.**, and increase power from 100 to 250 watts night, 1 KW day, for period of 6 months.

NEW—Eugene DeBogory, trading as Dallas Radio Research Engineers, Dallas, Tex.—Application to amend C. P. (already in hearing docket) to read: **1570 kc.** instead of **1550 kc.** Power 1 KW night, 1 KW day.

NEW—Homer York, Lufkin, Tex.—Application to amend C. P. (already in hearing docket) so as to request transmitter and studio site 1.648 air miles from Court House on Broadshire Road, Lufkin, Tex.; new equipment **1350 kc.**, 250 watts, specified hours. (Original C. P. for **1340 kc.**, unlimited time.)

KADA—C. C. Morris, Nr. Ada, Okla.—Application to amend C. P. so as to request **1200 kc.**, 250 watts daytime, and new equipment. (Originally requested 100 watts night, 250 watts day, unlimited.)

WMFH—Joseph M. Kirby, Boston, Mass.—Application for modification of C. P. to extend time of completion.

MISCELLANEOUS

Joplin Broadcasting Co., Pittsburg, Kans.—Denied petition requesting that its application designated for hearing January 29th, be reconsidered and granted without a hearing.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Hearing is set for April 8, 1935, at Los Angeles, before Commissioner Brown.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills., Calif.—Same.

KIEV—Cannon System, Ltd., Glendale, Calif.—Same.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Same.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Same.

WSAN—WSAN, Inc., Allentown, Pa.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Applicant requests increase of power from 250 to 500 watts day and night and to continue to share with WCBA.

WCBA—B. Bryan Musselman, Allentown, Pa.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Applicant requests increase of power from 250 watts to 500 watts day and night and to continue to share with WSAN.

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—Denied petition requesting Commission to reconsider action in designating for hearing application for a new station and grant same without a hearing. Applicant desires C. P. to operate on **1370 kc.**, 100 watts, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Applicant requests authority to change frequency from **1200** to **1500 kc.** and to increase operating time from sharing with WJBW to unlimited.

Pittsburgh Publish Co., St. Joseph, Mo.—Granted permission to intervene at hearing of applications of J. L. Scroggin and KGBX, Inc., of St. Louis, Mo., both requesting authority to erect a new station in that city to operate on **1500 kc.**, 100 watts power. Pittsburgh Publishing Co. has pending application for C. P. for new station at Pittsburg, Kans., to operate on same frequency.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Denied petition requesting that its application designated for hearing be reconsidered and granted. Applicant desires to move station to De Pere, Wisc., to modify its license and approval of sale to WHBY, Inc.

NEW—Dudley J. Connolly, Chattanooga, Tenn.—C. P., **1420 kc.**, 100 watts unlimited time, heretofore set for hearing, was dismissed inasmuch as this application has been superseded by the application of Dudley J. Connolly & Co.

APPLICATIONS RECEIVED

First Zone

National Broadcasting Co., Portable-Mobile—Construction permit for special experimental station for **13050 kc.**, 10 watts.

National Broadcasting Co., Portable-Mobile—License to cover above (B1-PSE-9).

950 WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to install new equipment, increase power from 500 watts night, 1 KW day, to 5 KW day and night, move transmitter site to be determined. Amended re power.

600 WICC—The Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Construction permit to make change in equipment.

Second Zone

1200 NEW—Robert E. Cole, Washington, Pa.—Construction permit to erect a new station to operate on **1200 kc.**, 100 watts, specified hours. Facilities of WNBO.

920 WWJ—The Evening News Association, Inc., Detroit, Mich.—Construction permit to move transmitter from 810 W. Lafayette Blvd., Detroit, Mich., to Intersection of Meyers and Eight Mile Road, Oak Park, Mich.

1380 KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of construction permit (B2-P-149) to make further changes in equipment. (Antenna.)

1290 WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-148) to make changes in equipment. (Antenna.)

Third Zone

1420 KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to change equipment, increase daytime power from 100 to 250 watts. Amended: To omit request for change in frequency.

1500 NEW—Plainview Broadcasting Co., S. T. Cooper and Mrs. Cumi Cooper, Plainview, Tex.—Construction permit for new station on **1500 kc.**, 100 watts, day, and limited operation. Amended: To omit request for limited time.

620 NEW—Milton Kaufman and Jonas Weiland, Kinston, N. C.—Construction permit for a new station on **620 kc.**, 1 KW power, unlimited time.

1420 NEW—Reporter Publishing Co., Inc., Abilene, Tex.—Construction permit to erect a new station to operate on **1420 kc.**, 100 watts, unlimited time. Amended: Transmitter site to be determined.

1500 NEW—The North Texas Publishing Co., A. G. Mayse, President, Paris, Tex.—Construction permit to erect a new station to operate on **1500 kc.**, 100 watts, daytime. Amended: Transmitter site to be determined.

1210 NEW—J. W. Birdwell and S. J. Jennings, Johnson City, Tenn.—Construction permit to erect a new station to operate on **1210 kc.**, 100 watts, unlimited time (7 a. m. to 9 p. m.). Amended: To change frequency from **1200 kc.**, unlimited time.

1500 NEW—Big Spring Herald, Inc., Big Spring, Tex.—Construction permit to erect a new station to operate on **1500 kc.**, 100 watts, unlimited time. Amended: Transmitter site to be determined.

1460 KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Extension of special experimental authorization to operate with 500 watts night power for period ending April 30, 1935.

Fourth Zone

570 WNAX—The House of Gurney, Inc., Yankton, S. D.—Modification of construction permit (B4-P-172) as modified to make equipment changes, and for approval of present transmitter site (2nd and Capitol Streets).

620 KGW—Oregonian Publishing Co., Portland, Ore.—License to cover construction permit (5-P-B-3106) as modified to increase day power.

Fifth Zone

630 KFKA—The Mid-Western Radio Corp., Greenley, Colo.—Modification of license to change frequency from **880 kc.** to **630 kc.**

1160 NEW—W. H. Kindig, Hollywood, Calif.—Construction permit to erect a new station to operate on **1160 kc.**, 1 KW, unlimited time.

1310 KIT—Carl E. Haymond, Yakima, Wash.—License to cover construction permit (5-P-B-3325) as modified to change equipment, move transmitter and studio and increase power.

580 KMJ—James McClathy Co., Fresno, Calif.—Modification of license to increase power from 500 watts to 500 watts, 1 KW, daytime.

610 KGCX—E. E. Krebsbach, Wolf Point, Mont.—Construction permit to make changes in equipment, increase power from 100 watts, 250 watts day, to 1 KW, change frequency from **1310 kc.**, to **610 kc.**, and change hours of operation from specified hours to unlimited time and move transmitter from Main and Fourth Sts., Wolf Point, Mont., to Wolf Point, Mont. (locally).

1210 NEW—A. Corenson, Ventura, Calif.—Construction permit for new station on **1210 kc.**, 100 watts power, unlimited time.

1370 KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Modification of construction permit (B5-P-96) to extend completion date from April 11, 1935, to July 11, 1935.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS · * * * Vol. 3 - - No. 16
MARCH 30,1935

Copyright, 1935. The National Association of Broadcasters

COPYRIGHT DEVELOPMENTS

With the expiration date of license contracts between the American Society of Composers, Authors and Publishers and the broadcasters just five months off, the broadcasting industry is vitally interested in two recent important developments in the copyright situation. The Interdepartmental Committee on Copyright, headed by Wallace McClure of the Department of State, has completed a draft of a copyright bill which will be introduced in the Senate within a few days and Federal Judge John C. Knox of New York granted the motion filed by the United States Government in the ASCAP anti-trust suit to strike from the Society's answer all irrevelant and non-responsive matter.

The ruling by Judge Knox is a decided victory for the Government since it virtually has the effect of reducing the issues involved in the litigation to price fixing. It also will have the effect of expediting trial of the case. At the same time Judge Knox substantially denied the motion filed by the Society asking that a commission be appointed to take testimony in this country and abroad, stating that in the event a "strong case for relief" is shown by the Society the motion might be renewed with respect to witnesses residing in the United States.

Argument on the motion was heard by the court last January 11. Andrew W. Bennett, special assistant to the Attorney General, in charge of the Government's suit, argued the case for the Government and Nathan Burkan of New York, chief counsel for the ASCAP, argued for the Society.

COPYRIGHT BILL DUE SOON

The copyright bill, which is now being completed, will be introduced in the Senate within the next few days. This bill, the result of extensive conferences at the Department of State, among all interested parties, will be designed to enable this country to adhere to the Convention for the Protection of Literary and Artistic Property under the provisions of the Rome revision of the Convention. It will be introduced by Senator Duffy (D.) of Wisconsin, a member of the Senate Foreign Relations Committee, which committee has under consideration the question of ratification of the treaty. Adherence to the Convention has the sanction of President Roosevelt and it is expected that strenuous efforts will be made to pass the bill at the present session of Congress. Senator Duffy's bill will, of course, be referred to the Senate Patents Committee, headed by Senator McAdoo (D.), California.

Briefly, the revised bill changes the present law by striking out minimum statutory damages and leaving to the court determination of damages suffered by the copyright owner, with a proviso that in each instance the amount awarded may not be less than the fair value of a license. The bill also places broadcasting on a par with newspapers and periodicals, with respect to issuance of injunctions.

The views of the broadcasters were submitted to the State Department by the NAB on February 23 and in a letter to Philip G. Loucks, managing director of the NAB, Chairman McClure explained disposition of the contentions urged by the Association in the following letter under date of March 20:

My dear Loucks:

You received, I trust, the copies of the revised draft of the copyright bill, which your messenger called for this morning. I shall, of course, be glad to discuss it with you in person tomorrow as arranged in our telephone conversation. Meantime, you may find it helpful to have some explanation of the changes which have been made, particularly with reference to the desires of the Radio Broadcasters as expressed at the conference on February 23 and in the brief of the National Association of Broadcasters filed at that time. Let me say to begin that the Interdepartmental Committee on Copyright has considered with sympathy the peculiar siuation of the broadcasters as a comparatively new industry making very large use of copyright material and not finding in the present copyright law, which was enacted before the advent of broadcasting, any special reference to their needs. You will therefore find, I believe, that the amendments in the new draft have approached closely the requirements of the broadcasting industry as stated in your brief. The items of the brief may be taken in order as follows:

The right of radio broadcasting granted in Section 1 (f) has been enlarged to include other analogous forms of communication to the public, to which it is assumed the broadcasters will find no objection.

The word "writings" (revised draft, p. 6, line 9) has been restored in place of the word "works," thus removing any danger as to the adoption of so-called "oral copyright." The Committee did not believe that oral copyright would be required under the Convention and this opinion has been concurred in by some of the counsel who appeared at the hearings. However, the use of the word "writings" serves to remove any doubt on the question.

Careful consideration has been given to the language proposed by you for an amendment in the proviso to Section 8 of the present law (pp. 11-12 of the new draft). It is understood that the broadcasters desired to be certain that they may continue the use of recordings or arrangements of music made for broadcasting from works hitherto in the public domain but to which copyright will accrue after the adherence of the United States to the Convention. It is believed that the language of Section 8, proviso, is broad enough to permit such continued use, but for the sake of better assurance in this respect, certain changes have been made in the language of the final clause (p. 12), consisting of the insertion of the word "further" before "use" and the elimination of the words "already existing" after "reproduction." The word "substantial" has also been omitted before "expenditure or liability," which should serve to remove the doubts expressed regarding it. It is not understood that the broadcasters would contend for the right to use an arrangement or recording not made by them but merely purchased. The purpose of the proviso in Section 8 is to afford all equitable protection to persons who have themselves invested money or incurred liability in the direction of performance of works which were not copyrighted at the time when the undertaking began, but not to permit everyone to use a work which was in the public domain, since the Convention requires generally the protection of all works for which copyright exists in union countries.

The changes suggested by you in Section 23 (pp. 19-21 of the new draft) as to the permissibility of other proof of the date of origin of a work only in the absence of notice and registration, have been adopted. You will note also that language has been added providing that the term shall in no case exceed 56 years, so that when an unpublished work has been copyrighted, a new term will not begin upon subsequent publication.

In the new draft (p. 24, line 4), broadcasters have been included, as desired by you, in the exemption from temporary restraining orders.

THIRTEENTH ANNUAL NAB CONVENTION
THE BROADMOOR, COLORADO SPRINGS, COLO. JULY 6, 7, 8, 9, 10, 1935

The Committee considered carefully the request of your organization for a change in the bill which would restrict the owner of copyright to either damages or profits and not give him both, but it was doubted whether it would be wise to make this change from the present law. The notion of giving profits unconscionably made to the copyright owner in an infringement case is solidly embedded in copyright law and has not hitherto, so far as the Committee is aware, met with any special criticism. The proportion of the profits to be awarded to the plaintiff is left to the discretion of the Court. While the Committee does not regard the question as entirely closed, it has not so far been convinced that the change proposed is desirable. As you know, effort has been made to avoid any changes going beyond what seemed necessary for the purposes of the draft.

You will be very much interested to observe that, on page 26 of the new draft, very material changes have been made amounting, briefly, to the removal of any stated minimum for statutory damages and the increase of the maximum in all cases to $10,000 The Committee recognizes that there have been great changes in the conditions and forms of the use of copyright material since 1909, when the present Act, including the provision for minimum damages of $250, was adopted. It seems reasonable and, all things considered, desirable to leave more to the discretion of the Court, while damages should not be so low as to amount to a license to infringe. The Committee believes that the change is in the public interest.

On pages 26-27 of the new draft, the requirement has been inserted of both notice and registration in order to permit the copyright owner to obtain any remedy other than an injunction or the value of a license. This is in accordance with the desire of the broadcasters. It will be further noted that the maximum value of a license under such circumstances has been reduced from $2,500 (old draft) to $1,000 (new draft).

On pages 27-28 of the new draft, the suggestions of the broadcasters have been adopted in part. It is provided that proof of fraud, or of good faith on the part of the infringer, shall be sufficient to exempt him from any liability except for the value of a license. The Committee, however, did not feel warranted in going so far as to strike out entirely the saving value of some record in the Copyright Office or of the notice on a published work. Here, as in some other instances, there is danger of incurring the criticism that this is an "infringers' bill". The reference to performance of works in cities of over 100,000 population, however, has been omitted. It is hoped that with these changes the subsection will meet the needs of those whom you represent.

In the provisions relating to infringing advertising matter as to which the infringer was innocent, broadcasters have been included in the exemptions granted, as desired, and similar amendments have been made in other portions of the infringement section, placing broadcasters in general on the same footing as publishers of periodicals (new draft at pp. 31-34).

Another change not specially asked for by the broadcasters, but which seems fair to them, is in the provisions relating to possible impoundment or destruction of infringing matter (p. 36). The harshness of impounding and particularly of destruction is recognized and it has been provided that they shall not take place where the publisher of a periodical or the broadcaster has acted in good faith.

Your proposed change in Section 25 (9) b (new draft, pp. 39-40) has been adopted by providing that there shall be no liability, in respect of "the ordinary occupation by a guest of a hotel or lodging-house room", for the reception of a radio broadcast. You will be interested to note the amendment in paragraph (5) of the same subsection which provides that the incidental reproduction of the copyrighted work in a broadcast relating to current events is not to raise any liability. The Committee recalls, in this connection, Mr. Bellows' remarks as to the situation arising at the time of the broadcast of President Roosevelt's inaugural. The same considerations apply, of course, to the broadcasts of sports events such as the big football games.

Section 34 of the existing law (pp. 43-44 of the new draft) has been amended to accord the right of review of damages on appeal.

Through an unfortunate inadvertance, the amendment desired by the broadcasters in Section 39, providing for no liability in civil cases more than three years after infringement, was omitted in mimeographing the revised draft. The Committee intended to include this change and it will be added before the bill is presented to Congress.

Section 41, dealing with the moral right of the author, has been the subject of much comment on the part of various groups who have been represented before the Committee and who desired to be adequately protected against any possible abuse that might arise from the inclusion of this right in the law. Accordingly, a somewhat elaborate series of provisions have been added in order to cover all reasonable requirements. First, the full freedom of contract has been reserved; this means the right of the author to waive his moral right entirely if he so desires. Further language has been adopted to apply to cases where there is no contract and to permit the user of the copyrighted material in such cases to edit, arrange or otherwise modify the work for publication, broadcasting or motion pictures, in accordance with customary standards and reasonable requirements. While the language adopted differs from that proposed by you, it is believed that it will have substantially the same effect.

Doubtless you will be interested to observe that a new amendment has been made to Section 42 of the existing law giving to authors a high degree of divisibility of copyright. This has long been strongly urged by representatives of the authors and has been accepted in principle by other interested groups.

The Committee appreciates your comment with reference to the Berlin revision of the copyright convention. Very careful study has convinced it, however, that, regardless of absolute possibilities, the only practicable course for the United States is adherence to the Convention in its latest revised form (Rome, 1928). Moreover, the Committee feels confident that the new provisions of the bill (revised draft, pp. 45-46) fully protect your position in respect of moral rights and that the advantages, if any, of making reservations have been greatly overemphasized. It is very doubtful whether the United States should make reservations in any event. The forward looking course is to encourage the complete elimination of reservations. The Committee feels assured that formal action by the Brussels Conference with reference to legislation in the United States is out of the question and that adverse criticism is extremely unlikely. On the other hand, the Conference will offer to the United States, if it has ratified the Convention, a welcome opportunity to obtain acceptance for some of its own policies and their inclusion in international law.

In conclusion, I wish again to thank you for your very helpful cooperation and to bespeak continued conference with you.

Sincerely yours,
(Signed) WALLACE McCLURE,
Chairman, Interdepartmental
Committee on Copyright.

REORGANIZED FCC MEANS BUSINESS

Twenty-one stations are facing difficulties as a result of broadcasting programs sponsored by medical groups who advertise personal medical and dental care and nine others are being cited for broadcasting advertising of certain medical products.

This is the result of the desire of the reorganized Federal Communications Commission to put a stop to abuses in the field of advertising medical and dental services and medical products.

"Our current campaign," said Chairman Prall, "may seem to be drastic and too inclusive. It is our view, however, that lax practices must be cleaned up for the benefit of the industry itself as well as for the public. In the long run, I am confident that all groups affected will realize that the course is wise, for it is far more desirable and usually more effective to clean house voluntarily than to do it by legislation."

And the Commission means business. Steps are being taken to rid the Commission staff of "politics" and "wire pulling."

Speaking over the NBC, Chairman Prall told the public of the proposed "new deal" for radio. He said:

"We have decided to tighten up broadcasting regulation and enforce our rules more rigidly. That means that radio stations must toe the mark if they want to earn their license renewals. We will not brook any trifling with our regulations. The radio people who disregard them—and I include the broadcasting of harmful and manifestly fraudulent material—are going to be made conscious that there is a board in Washington to whom they must render an accounting. We will punish the malefactors even if it means their extinction from the wave lengths.

"To maintain the high standards of radio programs, to render the most efficient and satisfying service to the people of the country, to aid the broadcasting industry in every possible legitimate way, and to bring to the administration, to which we are responsible, honor and credit in this particular field of its activity, is the purpose of the seven members of the FCC."

Chairman Prall said there was no plan pending for any sort of general reallocation. He said it was his view that the fullest possible use of radio as an educational and cultural force had not yet been made, and that a greater cooperation was essential.

WOMEN'S GROUP PROPOSES STUDY

Members of the Women's National Radio Committee and representatives of the broadcasting industry met with Chairman Anning S. Prall of the Federal Communications Commission in New York this week to discuss a cooperative program.

Those present were: Mrs. Harold V. Milligan, president; Mme. Yolanda Mero, advisory chairman; and Miss Luella S. Laudin, executive secretary, representing the Women's National Radio Committee; Chairman Anning S. Prall, Federal Communications Commission; J. Truman Ward, president; and Philip G. Loucks, Managing Director, representing the NAB; M. H. Aylesworth, president of NBC; Frederic A. Willis, assistant to William S. Paley, president CBS; and Franklin Dunham, NBC educational director.

In opening the conference Mrs. Milligan explained that the committee is composed of twenty-one affiliated and six cooperating national organizations. She explained that the committee desired to cooperate with the broadcasters and stated that her group is opposed to government ownership of broadcasting and is enthusiastically in favor of the American system of broadcasting. The committee, she said, is of the belief that radio should be as "free as the press."

The organization is not in any sense a "reform" organization but its purpose is simply that of offering to commercial radio the women's viewpoint with respect to programs.

Miss Laudin enlarged upon Mrs. Milligan's statement and reported that listening groups had been formed in the south and west.

Mr. Aylesworth suggested that the committee might well begin its work by undertaking a systematic study of station fan mail and offered to make available the fan mail of his company. On behalf of CBS, Mr. Willis said his company would also cooperate in this effort.

President Ward, on behalf of the NAB, pledged cooperation of the industry and Mr. Loucks explained the work which has been undertaken by the Federal Trade Commission with respect to false and misleading advertising in programs.

Chairman Prall said that the broadcaster should set as his goal "the composite American home" and design his programs for the family group. In suggesting that similar conferences be held, he said that cooperation in planning and presenting programs designed for feminine and juvenile listeners should prove both wholesome and productive.

"If stations should fail by reason of even the small stations doing the wrong thing," he added, "you certainly will find enough legislative power not only to take action on applications on renewal of station license but also to take prompt and effective action when transgressions are made. We are going to protect that portion of the industry that is doing the right thing," he concluded.

NEW NRA ACT INTRODUCED

Senator Harrison of Mississippi, chairman of the Senate Finance Committee, introduced a bill to extend the National Industrial Recovery Act for a period of two years. The bill was drafted following recommendations made to the Congress by the President in his recent message and also in accordance with recommendations made by Donald Richberg, NRA chairman, in his recent appearance before the finance committee at the NRA investigations.

Section 7 (a), dealing with labor, is very similar to the present law except that the preamble has been slightly changed and the third paragraph completely eliminated.

The introduction of the bill coupled with the President's recent statement that NRA violators be prosecuted is interpreted as meaning that the Administration intends to put new life into the NRA. The bill, if enacted, would not materially change the code for the radio broadcasting industry.

EDUCATORS PROPOSE NETWORK

The National Committee on Education by Radio is considering a proposal submitted by subcommittee under which the government would operate a broadcasting system paralleling the existing commercial structure. The proposed system would be supported by taxes levied upon the sale of receiving sets and parts and from license fees levied on commercial broadcasting stations. It is expected that the plan, if approved by the whole Committee, will be made the basis of this group's presentation at the forthcoming educational conference called by the Federal Communications Commission for May 15 in Washington.

The NAB is opposed to such system and is preparing to present a plan for cooperation with educational and non-profit organizations at the conference. The NAB will speak for its members at the conference.

DISCRIMINATION AGAINST RADIO

The Senate bill to rewrite the food and drug law, S. 5, as favorably reported by the Committee on Commerce, contains on page 41, line 25, and page 42, lines 1 to 4, the following provision:

"No retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which he does not distribute or sell in interstate commerce."

Commenting on this, the report of the Committee on Commerce (No. 361) says:

"Retail dealers who sell only at their own establishments frequently advertise articles of local manufacture in small newspapers which are delivered through the mails or which may to some extent be carried across State lines. Since such advertisements are primarily local and not interstate, exemption from prosecution has been extended to retail dealers for such advertising which would otherwise be subject to Federal jurisdiction."

The NAB is vigorously opposed to the portion of this section discriminating against broadcast advertising and will seek an amendment to the bill when it comes up for consideration in the Senate.

FOOD AND DRUGS BILL REPORTED

Revised in many particulars, the Senate Commerce Committee reported favorably to the Senate the Copeland-Tugwell bill to revise the food and drugs acts.

At the same time President Roosevelt sent a message to Congress asking that the bill be passed during the present session. In his message, he said:

"Every enterprise in the United States should be able to adhere to the simple principle of honesty without fear of penalty on that account. Honesty ought to be the best policy not only for one individual, or one enterprise, but for every individual and every enterprise in the Nation. In one field of endeavor there is an obvious means to this end which has been too long neglected: The setting up and careful enforcement of standards of identity and quality for the foods we eat and the drugs we use, together with the strict exclusion from our markets of harmful or adulterated products.

"The honor of the producers in a country ought to be the invariable ingredient of the products produced in it. The various qualities of goods require a kind of discrimination which is not at the command of consumers. They are likely to confuse outward appearance with inward integrity. In such a situation as has grown up through our rising level of living and our multiplication of goods, consumers are prevented from choosing intelligently and producers are handicapped in any attempt to maintain higher standards. Only the scientific and disinterested activity of Government can protect this honor of our producers and provide the possibility of discriminating choice to our consumers.

"These principles have long been those on which we have founded public policy. But we have fallen behind in their practical application. No comprehensive attempt at reform in the regulation of commerce in food and drugs has been made since 1906. I need not point out to you how much has happened since that time in the invention of new things and their general adoption, as well as in the increase of advertising appeals. Because of these changes loopholes have appeared in the old law which have made abuses easy.

"It is time to make practical improvements. A measure is needed which will extend the controls formerly applicable only to labels to advertising also, which will extend protection to the trade in cosmetics; which will provide for a cooperative method of setting standards and for a system of inspection and enforcement to reassure consumers grown hesitant and doubtful; and which will provide for a necessary flexibility in administration as products and conditions change.

"I understand this subject has been studied and discussed for the last 2 years and that full information is in the possession of the Congress.

"No honest enterpriser need fear that because of the passage of such a measure he will be unfairly treated. He would be asked to do no more than he now holds himself out to do. It would merely make certain that those who are less scrupulous than I know most of our producers to be, cannot force their more honest competitors into dishonorable ways.

"The great majority of those engaged in the trade in food and drugs do not need regulation. They observe the spirit as well as the letter of existing law. Present legislation ought to be directed primarily toward a small minority of evaders and chiselers. At the same time even-handed regulation will not only outlaw the bad practices of the few but will also protect the many from unscrupulous competition. It will, besides, provide a bulwark of consumer confidence throughout the business world.

"It is my hope that such legislation may be enacted at this session of the Congress."

NAB EXECUTIVE COMMITTEE MEETS

The NAB Executive Committee held a meeting in Philadelphia this week. President Ward, Treasurer Levy and Managing Director Loucks were present. The Committee discussed the problems before the NAB including the KVOS appeal, the WJTL tax appeal, copyright, the educational conference, and other general legal and legislative matters.

DELLINGER SUBMITS CCIR REPORT

The report to the Secretary of State of the United States Delegation to the Third Meeting of the International Radio Consulting Committee, held at Lisbon during September and October, 1934, has recently been submitted by Dr. J. H. Dellinger, chairman of the delegation.

The report includes the official opinions of the meeting, and interpretations to be applied to them. The opinions comprise an account of the international aspects of the art of radio communication, including broadcasting, point to point telegraph and telephone, and marine and other mobile communication.

While the Lisbon meeting was held in accord with the usual five-year interval between meetings, it is probable that the invitation of Roumania to hold the next meeting at Bucarest in 1937, just prior to the administrative conference in Cairo late in 1937, will be accepted, because of the fact that the rapidly changing state of the art will undoubtedly make necessary revision of some of the opinions for proper use by the Cairo conference, at which matters of such importance as frequency allocations to the various services become subject to international agreement. The CCIR meetings function to express the state of the art as a basis for the deliberations at the treaty-making conference. The last administrative conference was held at Madrid in 1932, and the resulting Madrid treaty was proclaimed by the President in 1934.

DELLINGER PRAISES McNARY

In a letter to the NAB, Dr. J. H. Dellinger, chairman of the Delegation of the U. S. International Radio Consulting Committee, commended "the highly meritorious services" of J. C. McNary, NAB technical director, during the Lisbon international conference.

"Mr. McNary," he wrote, "contributed deep knowledge of the technical questions considered and of the related fields of radio engineering. He was distinguished for the fair-minded and unbiased manner of his participation in discussions. He served as U. S. spokesman on many occasions in two of the five committees into which the conference was divided."

NAB ENGINEERING HANDBOOK SOON AVAILABLE

The preparation of an Engineering Handbook for use by NAB member stations has progressed to a point where it appears that copy will be sent to the printer May 1. The Handbook is being prepared by J. C. McNary, technical director of the NAB, and will be pulbished with the approval of the Engineering Committee. It will contain a wealth of material of value to every operator.

FCC CALLS CONFERENCE ON MODULATION INDICATORS

Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, has called a conference of manufacturers of modulation indicating devices to be held in Washington, April 12.

The FCC Engineering Department is giving consideration to the feasibility of requiring experimental broadcasting stations, and certain other broadcasting stations adhering to high-fidelity performance specifications, to install modulation indicators for determining the operating percentage of modulation of broadcast transmitters. The plan under consideration contemplates approval of modulation indicators by type in a manner similar to that used for approval of frequency monitors. A list of approved modulation indicators by manufacturers' names and type numbers would be released after the completion of a series of tests by the Bureau of Standards.

The conference has been called to obtain as much information as possible on which to base specifications.

CLEAR CHANNEL SURVEY PROGRESSES

Fifty-eight fixed field intensity recorders have been placed in operation in accordance with the plan of operation of the secondary coverage survey being jointly conducted by the Engineering Department of the Federal Communications Commission and the majority of clear channel licenses. The recorders, which operate on a 24-hour schedule seven days per week, have been distributed among the following locations: Burlington, Mass.; Florham Park, N. J.; College Park, Md.; Marietta, Ga.; Dallas, Texas; Chicago, Ill.; Grand Island, Nebr.; Salt Lake City, Utah; Seattle, Washington, and Los Angeles, Calif. Some of the recorders have been in operation for more than a month, while others have only recently commenced functioning. In addition to the fixed recorders, several portable recorders will be operated on intermittent schedules in various parts of the country.

Except for analysis of records, the Commission's portion of the survey is expected to be completed by June 1. This includes calibration of the fixed recorder installations, the measurement of radiated power of the clear channel transmitters whose signals are being measured, a number of trips by the field staff of the Commission to determine listening habits of rural and small town receiving set owners, and a mail survey of listener preferences. The mail survey records are being obtained from 130,000 post cards sent to fourth-class postmasters and a selected list of rural listeners throughout the United States.

No date has been set for the completion of the field intensity recording schedule. While it appears highly desirable that the recorders operate indefinitely, it is probable that a date will be set for the preparation of a preliminary report based on information obtained prior to that time.

BUREAU OF AIR COMMERCE AND NEW TRANSMITTER SITES

A number of broadcasting stations have encountered difficulty in securing approval of the Bureau of Air Commerce of new antenna tower locations from the point of view of their being a possible menace to air navigation.

When an application involving a new transmitter site is filed with the FCC, it is promptly forwarded to the Bureau of Air Commerce for comment on possible menace to air navigation because of the proposed construction. The Bureau, in turn, usually requests comments from its field staff and from air line operators in the vicinity of the proposed construction. On their advices, a recommendation to the FCC is prepared.

In many cases, long delays have been encountered in securing approval of the Bureau of Air Commerce.

While efforts are being exerted at the present time to secure clarification of the procedure, it is suggested to stations proposing re-location of antenna towers, that, as a practical matter, time may be saved by contacting the field representative of the Bureau of Air Commerce before filing a construction permit application with the FCC, rather than afterward. Also, under present conditions, it is advisable to withhold purchase of ground for transmitter sites and to refrain from incurring expenses of field intensity surveys until becoming well informed of the local airways situation.

The addresses of the Bureau of Air Commerce field offices are as follows:

New England, New York, New Jersey, Pennsylvania, Maryland, Delaware, Northern Virginia, Northern Kentucky, Eastern Ohio, and District of Columbia: Manager, First Air Navigation District, Municipal Airport, Newark, New Jersey.

Southern Virginia, Southern Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee: Manager, Second Air Navigation District, Box 4327, Atlanta, Georgia.

North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Western Ohio: Manager, Third Air Navigation District, 1204 New Post Office Building, Chicago, Illinois.

Arkansas, Louisiana, Oklahoma, Texas, Kansas, New Mexico, and Eastern Arizona: Manager, Fourth Air Navigation District, Box 1689, Fort Worth, Texas.

Nebraska, Montana, Wyoming, Colorado, Utah, Nevada, Idaho, Eastern Oregon and Eastern Washington: Manager, Fifth Air Navigation District, 434 Federal Building, Salt Lake City, Utah.

Western Washington, Western Oregon, California and Western Arizona: Manager, Sixth Air Navigation District, 201 New Post Office Building, Oakland, California.

STATE LEGISLATIVE ACTIVITY

Forty-four of the forty-eight state legislatures have been in session during the past three months. Of these, twenty-seven are still sitting, one has recessed, and sixteen have adjourned. Adjournment, however, means little, as the legislatures are all subject to calls for special sessions to consider revenue matters.

A total of eighty bills directly affecting broadcasting have been reported to the state legislative bureau of the NAB. Of these, twenty-seven are tax bills and fifty-three are miscellaneous, mostly concerned with such matters as the regulation of radio advertising, libel or slander by radio, and conditions of employment in broadcasting stations.

In each state where an NAB state committee of broadcasters has been set up, constant contact has been maintained with that committee. In all other states contact has been maintained with representative broadcasters who have accepted the responsibility of keeping in close touch with their states' legislative activities.

By far the most significant part of the work has concerned legislative proposals for the taxation of broadcasting revenues. For the first time, the material demonstrating that all broadcasting is exclusively interstate commerce, and hence not subject to taxation by the states or subdivisions thereof, has been put together in such shape as to be readily usable, and has been supplied by the NAB to every state where bills proposing to tax broadcasting have been under consideration. It is still too early to sum up the results of this service, but to date practically all of the current proposals to tax broadcasting have either been withdrawn or are still in committee.

Of the four outstanding efforts to enact state laws covering libel or slander by radio, three have been withdrawn, and the fourth was enacted with an amendment protecting the broadcaster in all cases where he can show that the defamatory statement was broadcast without his prior knowledge, or that he could not prevent its utterance.

Practically all of the miscellaneous bills affecting broadcasting have either been dropped or have been so amended as to be entirely fair and workable.

In general, the very large amount of correspondence which has resulted from the institution of this state legislative service proves conclusively that the broadcasters and their local attorneys are urgently in need of centralized information and assistance in dealing with their state problems, and their response has been uniformly enthusiastic. It is clear that a real start has at last been made on a type of service which is vitally important to every broadcaster from the very practical standpoint of dollars and cents.

BROADCAST ADVERTISING INCREASES

February broadcast advertising volume promises to be approximately one-third greater than during the same month of 1934, according to preliminary estimates prepared by Dr. Herman S. Hettinger, NAB research director, and based on information collected by the NAB regarding broadcast advertising volume.

The report for February volume, to be issued within a few days, is the twentieth monthly report dealing with trends in all phases of broadcast advertising to be published by the NAB. These reports are the only source of complete network and non-network advertising figures, and as such have attracted widespread interest among advertisers, agencies, trade publications in the advertising and selling field, and economists interested in distribution.

A.A.A.A. MEETING

The annual meeting of the American Association of Advertising Agencies will be held at the Greenbrier, White Sulphur Springs, W. Va., April 12 and 13.

Principal speakers at the session for members and guests will include Mrs. William Brown Meloney, Editor, "This Week"; Arthur Kudner, President, Erwin, Wasey & Company, Inc., and Chairman of the Board of the A.A.A.A., and J. Stirling Getchell, President of J. Sterling Getchell, Inc. The session will be held Friday morning, April 12, while the annual dinner will take place the evening of that day.

COMMERCIAL SECTION MEETING TOPICS

Details attendant to the establishment of an agency recognition bureau of the NAB and of a cooperative bureau of standard coverage and listener data by broadcasters, advertisers and agencies, will be the principal topics for discussion at the meeting of the NAB Commercial Section to be held in conjunction with the annual convention of the Advertising Federation of America, scheduled for the Palmer House, Chicago, Ill., June 9-12.

Most of the preliminary work on both projects already has been completed. Stations have been surveyed regarding their current recognition practices and as to the nature of service desired from the contemplated bureau. Detailed plans are now in process of preparation with respect to the standards of agency organization and operation required for recognition, as well as with regard to the interchange of credit information which will be one of the activities of the bureau.

Groundwork similarly has been laid for the realization of the plan for a cooperative bureau of standard coverage and listener information. A meeting of the Committee of Five, appointed to study and report on this problem, will be held in the near future for further consideration of the details involved.

Along with uniform cost accounting, recently developed by the NAB, the creation of an agency recognition bureau and the development of standard coverage and listener data promise to be particularly important assets in the development of sound economic practices on the part of the broadcasting industry.

ENGINEERING SECTION MEETING SCHEDULED

A meeting of the Engineering Section of the National Association of Broadcasters will be held concurrently with the 1935 Convention of the Institute of Radio Engineers at Detroit, July 1-3. A program for the meeting is in course of preparation within a few weeks.

COST ACCOUNTING FORMS DELAYED

The uniform system of accounting for broadcast stations developed and published by the NAB for use by its members, has gained widespread commendation. Sample forms for use in installing the system have been ordered and will be sent to all NAB members immediately upon receipt.

NAB MEMBERS NUMBER 380

The NAB is preparing to issue shortly a new membership directory. The membership today stands at 380 and is increasing weekly.

NEW FCC RULES AND REGULATIONS BEING PREPARED

The Rules and Regulations of the Federal Radio Commission, which were adopted by the Communications Commission shortly after its creation, will be superseded by new rules now being prepared. It is understood that the publication of the FCC rules applicable to broadcasting station operation and to procedure before the Commission will be made public during the month of June.

ARTA ACTIVE

Reports reaching NAB headquarters indicate that organization activities among broadcasting station operators by the American Radio Telegraphists Association are now being based on the assumption that the anticipated passing of the NRA in June of this year will result in general reduction of operators' wages and increase of working hours. The inference is that representation by ARTA will prevent these changes in operators' working conditions.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2202. Dr. Southington Remedy Co., Kansas City, Mo. Issued because the respondent company's products, "Dr. Southington's Single Strength Prescription Compound," "Dr. Southington's Double Strength Prescription Compound," "Dr. Southington's Prescription Compound No. 3," etc., are not cures for and will not afford relief from the numerous ailments set out in the respondent company's advertising.

No. 2207. Hoffman Engineering Co., New York City. To cease and desist advertising that its product, "Super-Frye Amplifying Unit," will cause automobile motors to have more speed and power, to run more smoothly, to be freer of carbon and to save gas in operation when this is not the case.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0835. Dollar Crystal Co., Omaha, Nbr. To cease advertising its mineral crystals as competent treatment or effective remedy for kidney, liver, stomach or other disorders.

No. 0836. K. A. Hughes Co., Boston, Mass. To cease advertising that its cold treatment, "Salicon," does not depress, affect or harm the heart or cure a cold in short order.

No. 0837. Clark Brothers Chewing Gum Co., Pittsburgh, Pa. To discontinue representing that Clark's Peppermint Gum or Clark's Teabury Gum will relieve a "drowsy" feeling or "brace" a person, will polish the teeth and materially influence the flow or character of the gastric juices, and to cease advertising that "no other" gum has the same ability to moisten the throat or that either product derives its flavor from the "tips" of peppermint plants.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These concerns will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them:

Nos. 2322-2326 inclusive. The Champion Co. and the Springfield Metallic Casket Co., Springfield, Ohio; National Grave Vault Co. and Perfection Burial Vault Co., Galion, Ohio, and the Clark Grave Vault Co., Columbus, Ohio. False and misleading advertising as to the air-tight and water-proof qualities of their grave vaults. Hearing, April 19.

No. 2327. The Fairfacts Co., Trenton, N. J. Charged with advertising itself as a manufacturer, thus tending to deceive buyers into believing that when purchasing from the respondent they are saving middleman's profits, when in fact the respondent is not a manufacturer. Hearing, April 19.

No. 2328. Eyesight Normalizing Co., New York City. Alleged that the respondents' product, advertised as "Nu-Eye-Life," does not correct such defects as near or far sightedness, astigmatism, failing vision, weak eyes and other eye troubles, as claimed in the advertising. Hearing, April 19.

No. 2329. Combination in restraint of trade by means of an understanding is alleged against the following manufacturers of "pin tickets" (used for marking prices, etc., on fabrics, etc.): A. Kimball Co., New York; The Reyburn Mfg. Co., Philadelphia; Waterbury Buckle Co., Waterbury, Conn.; American Tag Co., Chicago; Dancyger Safety Pin Ticket Co., Cleveland; Adam Sutcliffe Co., Central Falls, R. I.; and Noesting Pin Ticket Co., Mt. Vernon, N. Y. Hearing, April 19.

No. 2330. Yardley of London, Inc., Union City, N. J., a subsidiary of Yardley & Co., Ltd., England. Alleged that the company misleadingly represents its products as imported when in fact they are manufactured or compounded in the United States of domestic ingredients in whole or in part. Hearing, April 19.

No. 2331. Sinclair G. Stanley, doing business as the Z. G. Herbs Co., Chicago, Ill. Charged with misleading advertising through publications and radio that his product, Z. G. Herbs Tea No. 17, is a cure or competent treatment for stomach troubles, nervousness, rheumatism and other ailments, when this is not the case and the claims are grossly exaggerated.

No. 2332. Harry Sachnoff, trading as the Park Row Pen Co., and Argo Pen-Pencil Co., New York City. Charged with representing himself as manufacturer of pens and pencils when this is not the case, and of stamping pen-points "Durigold 14" to deceive buyers into the belief that they are made of gold or gold alloy or 14 carat fineness when, in fact, they are manufactured of steel and thinly gold plated. Hearing, April 19.

No. 2333. Douglas P. Borden, trading as Mormiles, Chicago, Ill. Alleged that the respondent represents his tires are reconstructed and sold with the original tread under a 5,000-mile guarantee, when the tires are not reconstructed and do not in all cases contain their original tread. Hearing, April 19.

No. 2334. George A. Cook and Helen M. Cook, doing business as Postal Correspondence School, Washington, D. C. Alleged that the respondents advertised their courses in publications and over the radio as being prepared by a former First Assistant Postmaster General of the United States, that they are based on information derived from a former U. S. postal official, and making other misleading claims having a tendency to mislead and deceive those of the public who wish to enter the postal service of the United States and to unfairly divert trade from competitors who do not make such false and misleading statements.

The complaint avers that the courses have been materially revised since the death of the First Assistant Postmaster General previously referred to, that the courses advertised have not been compiled on information acquired from such former post official. Hearing, April 26.

NEW WAY TO SURVEY LISTENERS PROVIDED

Means whereby all families within a given community, neighborhood, trade area or rural district may be reached by direct mail without the necessity of individually addressing each mailing piece, is provided in a regulation of the Postmaster General allowing the distribution of such unaddressed matter by postmen to all persons on their route.

This order, now published by the NAB, should be of particular interest to broadcasting stations because of its possible application in station merchandising activities and in listener queries by mail.

Under the order, letter carriers will deliver unaddressed mailing pieces to every address on their route. Anything which is eligible for distribution through the mails—letters, postcards (with return postcards attached, if so desired), samples, booklets, and similar matter—may be distributed in this manner. All addresses on the route must be taken, however, delivery at alternate addresses and similar devices not being allowed. Postmasters are prepared to consult with interested persons as to the routes in their particular community.

The order providing for this service and a statement regarding some of its more important details are as follows:

"ORDER NO. 6338

"Paragraph 6, section 585, Postal Laws and Regulations, is amended to read as follows:

"6 (*a*). When it is desired to send a piece of advertising or other matter as ordinary mail to (1) every rural or star-route box holder served from any post office having rural- or star-route delivery; (2) every post-office box holder at post offices not having city letter carrier service, or (3) patrons of any post office having city or village letter carrier service for delivery by city or village letter carriers, the name, box, and route numbers or local street address may be omitted from the matter, provided each piece is definitely addressed in the following manner, respectively:

(1) Rural or Star-Route Box Holder,

....
(Post Office and State)

(2) Post-Office Box Holder,

....
(Post Office and State)

(3) Patron (or Householder), Letter Carrier Route,

....
(Post Office and State)

"Provided further, That postage at the proper rate is fully prepaid on the matter, preferably in money under permit in accordance with section 562 or section 579, or by means of precanceled stamps under the conditions governing their use, and all the pieces for the same post office are put up by the mailer, so far as may be practicable, in packages of 50, each package to be labeled, preferably by means of a facing slip, as follows, according to the distribution desired:

(1) For distribution to rural or star route box holders.

....
(Post Office and State)

(2) For distribution to post office box holders

....
(Post Office and State)

(3) For distribution to patrons served by city or village letter carriers

....
(Post Office and State)

"(*b*) It is preferable that the names of the post office and State be included in the address on each piece of matter mailed under this regulation but, when the sender so desires, such names may also be omitted, provided the word "Local" be used in lieu thereof; provided further, the packages in which the pieces are put up and labeled as prescribed in the preceding subparagraph (*a*) are securely tied or otherwise prepared so that there will be no likelihood of the packages breaking open and the pieces scattered in the mails.

(*c*) The total number of boxes served by rural and star-route carriers from each office having rural or star-route delivery service, irrespective of the number of routes served from the respective post offices, shall be shown in the county list of post offices in the Annual Official Postal Guide. The number of post office box holders at offices not having city letter-carrier service shall also be shown in such list.

(*d*) Postmasters at offices having city or village delivery service shall compile, and keep current, data showing the number of patrons or stops on each route served by a city or village letter-carrier of their respective offices, and upon request shall furnish such information to persons or concerns who desire to mail matter to such patrons under this regulation.

JAMES A. FARLEY,
Postmaster General.

"Under this regulation, as amended, the simplified form of address heretofore applicable only to matter intended for distribution to rural and star route boxholders and post-office boxholders at offices not having letter-carrier service is extended to matter to be distributed to patrons of city and village letter-carrier offices. The arrangement is further simplified by making it optional with the sender to omit the names of the post office and State from the individual pieces, provided the word "Local" is used in lieu thereof. This method of addressing and distributing is convenient and economical. Its extension and further simplification, as provided by the order above referred to, is in response to a widespread demand for such modifications.

"In the case of matter to be distributed at letter-carrier offices, the arrangment may be followed where it is desired to cover all letter-carrier routes of a post office or only some of the routes, as, for instance, where a dealer or merchant wants to confine the distribution of the matter to his neighborhood or trade area, provided, in the latter event, enough pieces are mailed to cover completely the particular route or routes selected and the numbers of such routes are shown on the facing slips attached to the packages in which the matter is put up.

"In all cases the mailer should present a sufficient number of pieces to serve every box or patron on the route or routes to be served, but when through inadvertence the number is not sufficient the pieces should be distributed as far as they will go and the mailer advised accordingly for his future guidance. Should any pieces be left they should, if they bear a pledge to pay return postage, be returned charged with the return postage computed on each individually addressed piece (sec. 809, Postal Laws and Regulations). If they do not bear such pledge and are of no obvious value, they should be disposed of as prescribed by paragraph 2, section 807, Postal Laws and Regulations.

"While matter mailed under the provisions of this regulation should be distributed as promptly as possible, it should be handled in the most economical manner and should not be permitted to delay the delivery of the regular mails or require excessive overtime on the part of regular carriers.

"When mailers prefer to address their matter to particular rural route or post office box numbers, or to the occupants of residences served by city or village letter carriers (the word "Occupant", together with the local street and number being shown in the address in the latter case), they may, of course, do so."

C. B. EILENBERGER,
Third Assistant Postmaster General.

COMMISSION GETS MORE MONEY

The Senate this week in approving a deficiency bill included $1,200 for the Federal Communications Commission for the purchase of an additional ten acres of land at the monitoring station, Grand Island, Nebr. The President in a special communication had asked that this amount be put in the bill.

LICENSEES MUST OBSERVE RULES

The Federal Communications Commission has issued the following warning to all broadcast stations:

"There has been a general laxity on the part of licensees of broadcast stations with reference to the observance of the Rules and Regulations of the Federal Communications Commission. You are advised that henceforth all stations will be required to observe these Rules and Regulations in their strictest form.

"The Commission, for example, has had a number of applications filed recently for authority to broadcast special programs, many of which were not filed in accordance with Commission Rule No. 22. In the future, all applications filed which do not come under this rule or any other rule, will be returned without action.

"Your cooperation in the enforcement of these rules will be appreciated."

RECOMMENDS DENYING EXPERIMENTAL STATION

Delbert E. Replogle, applied to the Federal Communications Commission for a construction permit for the erection of a new experimental radio broadcasting station to be erected at Boston, Mass., using 1570 kilocycles, 1,000 watts power and unlimited time on the air.

R. H. Hyde (e) in Report No. 1-29 recommends that the application be denied. The Examiner says that the applicant "has not shown that he has the finances necessary to carry out his program," and the "evidence concerning the applicant's program indicates that the whole plan is quite indefinite."

FCC HOURS CHANGE APRIL 15

The office hours of the Federal Communications Commission will change to 8:30 A. M. to 4 P. M., effective April 15.

RECOMMENDS WITHDRAWAL WITHOUT PROTEST

The Gish Radio Service, filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station at Abilene, Texas to use 1420 kilocycles, 100 watts power and unlimited time.

Melvin H. Dalberg (e) in Report No. I-33 recommended that the application be withdrawn without prejudice inasmuch as counsel for the petitioner requested that this be done.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 1, 1935

Before Commissioner Thad H. Brown at San Antonio, Texas

T. Yount, d/b as Universal Advertising Agency, Laredo, Tex.—Authority to transmit programs from a studio in Laredo, Tex., to all Mexican stations through XENT, Nuevo Laredo, as key station.

APPLICATIONS GRANTED

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted C. P. to make changes in equipment; change frequency from 1330 kc. to 1290 kc.; and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted modification of license to change frequency to 550 kc. and power to 1 KW night, 5 KW day. (Formerly licensed on 1290 kc., 1 KW.)

NEW—The Monocacy Broadcasting Co., Frederick, Md.—Granted C. P. for a new station to operate on 900 kc., 500 watts day. Daytime hours.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted modification of C. P. giving exact transmitter and studio sites 2½ miles east of Chico and Gage's Building, Chico, respectively.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted modification of C. P. to extend completion date to 6-11-35.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of C. P. to extend completion date to 4-21-35.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of C. P. to extend completion date to July 4, 1935.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted modification of C. P. to extend completion date to July 11, 1935.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license covering C. P. authorizing changes in equipment; move of transmitter; increase power from 500 watts night and day to 1 KW night and day, limited time, on **1180 kc.**

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; **1350 kc.,** 1 KW night, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power from 100 to 250 watts; **1310 kc.,** 100 watts night, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 to 2½ KW, **1360 kc.,** 1 KW night, unlimited time, subject to further order of the Court and the Commission, pending determination of the issues raised by appeal in Cause No. 6218, Radio Serv. Corp. (KSEI), appellant, v. FCC.

WAWZ—Pillar of Fire, Zarepath, N. J.—Granted modification of license to increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.

WHBI—May Radio Broadcasting Corp., Newark, N. J.—Granted modification of license to use WHBI's transmitter as auxiliary.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of license to change hours of operation from 100 watts day to 100 watts night and day, unlimited time.

KMJ—James McClatchy Co., Fresno, Calif.—Granted modification of license to increase daytime power from 500 watts to 1 KW.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted renewal of license for a period of 60 days, pending study by Legal Department; **1240 kc.,** 1 KW night and day. One-half time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted extension of special experimental authorization to operate with 25 KW from 6 a. m. to LS, on permanent basis for the regular license period.

WCAD—St. Lawrence University, Canton, N. Y.—Granted renewal of license, **1220 kc.,** 500 watts, specified hours, daytime.

KOTN—Wm. F. Chaplin, Pine Bluff, Ark.—Granted consent to voluntary assignment of license to Universal Broadcasting Corp.

NEW—Benson Polytechnic School, Portland, Ore. (Portable-Mobile).—Granted general experimental C. P., frequencies **31100, 34600, 37600, 40600** and **86000-400,000 kc.,** 25 watts. Also authority to communicate as a broadcast pickup station in the temporary service on an experimental basis only.

W10XX—RCA Victor Co., Inc., Camden, N. J. (Portable-Mobile).—Granted voluntary assignment of license to RCA Mfg. Co., Inc.

W3XAD—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of license to RCA Mfg. Co., Inc.

W3XAD-W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of C. P. to RCA Mfg. Co., Inc.

W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of license to RCA Mfg. Co., Inc.

W3XAI—RCA Mfg. Co., Camden, N. J.—Granted modification of C. P. for extension of completion date to 9-15-35.

W3XAD—RCA Mfg. Co., Camden, N. J.—Granted modification of C. P. for extension of completion date to 9-15-35.

RENEWAL OF LICENSES

KFWB—Warner Bros. Broadcasting Co., Hollywood, Calif.—Granted renewal of license on a temporary basis only, subject to Commission's action upon pending application for renewal.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted renewal of license on a temporary basis only, subject to Commission's action upon pending application for renewal.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license on a temporary basis only, subject to Commission's action on pending application for renewal and on application 1-L-B-1063.

WLB—University of Minnesota, Minenapolis, Minn.—Present license extended for a period of 1 month from April 1st, on a temporary basis only, subject to such action as may be taken on pending application for renewal.

KRKD—Radio Broadcasters, Inc., (auxilary), Los Angeles, Calif.—Granted renewal of license for auxiliary transmitter on a temporary basis only, subject to such action as the Commission may take on licensee's pending application for renewal of license for main transmitter.

KPJM—M. B. Scott and Edw. C. Sturm, d/b as Scott and Sturm, Prescott, Ariz.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

WHA—University of Wisconsin, Madison, Wis.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal; also for auxiliary.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

WDSU—WDSU, Inc., New Orleans, La.—Present license extended on a temporary basis only to May 1, 1935, pending receipt and/or action on renewal application.

WABI—First Univ. Society of Bangor, Maine.—Granted renewal of license on a temporary basis for the period ending **June 1,** 1935.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted renewal of license on a temporary basis, and renewal set for hearing before the Division en banc May 2, 1935.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Present license extended for a period of 1 month from April 1, 1935, on a temporary basis, subject to such action as may be taken on pending application for renewal.

KGBU—Alaska Radio & Serv. Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis to May 1, 1935, subject to such action as may be taken upon pending application for renewal.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Present license extended on a temporary basis to May 1, 1935, subject to such action as may be taken upon pending application for renewal.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Renewal of license granted for the period ending July 1, 1935.

WHFC—WHFC, Inc., Cicero, Ill.—Renewal of license granted for the period ending July 1, 1935.

WJAR—The Outlet Co., Providence, R. I.—Granted renewal of license for the period ending September 1, 1935.

KFSG (and aux.)—Echo Park Evangelist Assn. (Maurice E. Kennedy, Agt.), Los Angeles, Calif.—Applications for renewal of licenses designated for hearing, and temporary licenses issued subject to such action as may be taken on pending application for renewal and upon the application of Harry Prezant.

KGEL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Application for renewal of license designated for hearing, and temporary license issued subject to such action as may be taken on application for renewal and upon application of Wyo. Radio Educational Assn.

SET FOR HEARING

WAZL—Hazleton Broadcasting Serv. Inc., Hazleton, Pa.—Application for C. P. to make changes in equipment; increase day power to 250 watts.

NEW—Cache Valley Broadcasting Serv. Co., J. A. and J. M. Reeder, L. R. Jansen, Logan, Utah.—Application for C. P. for new station, frequency **1370 kc.,** 100 watts, unlimited time.

NEW—C. M. Electric Serv. Co., Stevensville, Mont.—Application for C. P. for new station, frequency **1500 kc.**, 100 watts, unlimited time.

NEW—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time.

NEW—Cumberland Broadcasting Co., Inc., Portland, Me.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Application for C. P. for new station to operate on **780 kc.**, 500 watts night, 1 KW day, unlimited time (facilities of KGHL).

NEW—Harry Prezant, Los Angeles, Calif.—Application for C. P. for new station, frequency **1120 kc.**, 1 KW, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Application for voluntary assignment of license to J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time.

NEW—Clark Standiford, Chico, Calif.—Application for C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Application for C. P. to make changes in equipment, move transmitter site locally to Wolf Point, change frequency from **1310 kc.** to **610 kc.**, and increase power from 100 watts night, 250 watts day, to 1 KW, and time from S. H. to unlimited.

WOKO—WOKO, Inc., Albany, N. Y.—Application for modification of license to change frequency from **1430 kc.** to **970 kc.** (To be heard May 9 by the Division en banc.)

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Application for modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day, on **1380 kc.**

KFRO—Voice of Longview, Longview, Tex.—Application for modification of license to change frequency from **1370 kc.** to **1210 kc.**, hours of operation from daytime to unlimited, and power from 100 watts day to 100 watts night and day (facilities of KWEA).

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Application for special authorization to install new equipment and operate with 5 KW night. (To be heard by the Division en banc.)

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

KFJB—Marshall Elec. Co., Marshalltown, Iowa.—C. P., **1230 kc.**, 500 watts, unlimited time.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of C. P., **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

KSCJ—Perkins Bros. Co., Publishers Sioux City Journal, Sioux City, Iowa.—Modification of license, **1290 kc.**, 1 KW night, 2½ KW day, unlimited time.

NEW—William L. Waltman, Muskogee, Okla.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—P. A. McBride, Ironton, Ohio.—C. P., **1500 kc.**, 100 watts, unlimited time.

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of license, **780 kc.**, 1 KW night, 500 watts day; unlimited time.

WMFH—Jos. M. Kirby, Boston, Mass.—C. P., **1120 kc.**, 250 watts night, 500 watts day, unlimited time.

The following applications were denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48(b):

NEW—Brothers & England, Mansfield, Ohio.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—John G. Curtis, Erie, Pa.—C. P., **1370 kc.**, 100 watts, unlimited time.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification of C. P. to extend commencement and completion dates.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-23: Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Effective date 3 a. m., EST, April 9, 1935. Examiner Geo. H. Hill sustained.

NEW—Ex. Rep. No. 1-20: Abraham Shapiro, Astoria, Ore.—Granted C. P. for new station to operate on **1370 kc.**, 100 watts, daytime only. Denied application for night hours. Examiner R. L. Walker sustained.

MISCELLANEOUS

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Denied petition asking that the Commission reconsider its action of January 29, 1935, in designating application for hearing and to grant the same. Applicant seeks authority to move station locally, install directional antenna, and increase night power from 250 watts to 1 KW.

Pittsburg Publishing Co., Pittsburg, Kans.—Denied petition to intervene and be named a party to the hearing on the application of Joplin Broadcasting Co. for C. P. for new station at Pittsburg, Kans., to operate on **1200 kc.**, 100 watts, daytime.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Reconsidered and granted application to change the type of equipment authorized by C. P. and approved the exact transmitter site, approximately 7.5 miles northeast of Cedar Rapids. Grant made with the proviso that the tower is to be marked in accordance with the specifications of the Air Navigation Division of the Department of Commerce.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa (formerly KSO).—Reconsidered and granted application for C. P. seeking approval of the Commission of a transmitter site at Des Moines; also authorized the use of new transmitting equipment. The new transmitter site approved is approximately 5.5 miles north of the western edge of the business district of Des Moines.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Denied petition asking Commission to consider and grant without a hearing, its application which has been set for hearing before an Examiner on March 29, 1935. Application seeks authority to make changes in equipment and increase daytime power from 2½ to 5 KW.

WDNC—Durham Radio Corp., Durham, N. C.—Hearing on application for C. P. to operate with 1 KW power on **590 kc.** set for April 1, 1935, postponed so that all other applicants for the same frequency may be considered at a joint hearing at some future date. The other applicants seeking to operate on **590 kc.** are WEEI, Boston; WOW, Omaha, Nebr.; WAPI, Birmingham; Lawrence B. Holzman, Atlanta, Ga.; KHQ, Spokane, Wash., seeks an increase in power to 5 KW on **590 kc.**

Palestine Broadcasting Assn., Palestine, Tex.—Granted permission to take supplemental depositions in re application to construct a new station at Palestine, Tex., to operate on **1420 kc.**, 100 watts, daytime, which was heard before Examiner Walker on March 20, 1935.

Dallas Broadcasting Co., Dallas, Tex.—Denied petition to amend application in the following manner: "Hours of operation—Unlimited daytime to local sunset. Specified hours of operation from 8 p. m. to midnight, daily." This application for authority to construct a new broadcast station in Dallas to operate on a frequency of **1500 kc.**, 100 watts, was heard before Examiner Walker on March 20, 1935. Rule 55 provides that amendments to an application must be filed with the Commission not later than 20 days before hearing date.

WBNX—Standard Cahill Co., Inc., New York City.—Denied petition requesting that modification of license application be considered immediately.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period ending September 1, 1935.

APPLICATIONS RECEIVED

First Zone

WMFH—Joseph M. Kirby, Boston, Mass.—Modification of con-
1120 struction permit authorizing erection of a new broadcast station to operate on **1120 kc.**, 500 watts, day, requesting extension of commencement date from 12-13-34 to 3-13-35 and completion date from 3-13-35 to 6-13-35.

W8XH—WBEN, Inc., Portable, within 25 miles of WBEN.—Construction permit for installation of new transmitter and increase power to 100 watts (general experimental).

NEW—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, a
1140 co-partnership d/b as Connecticut Broadcasting Co., Springfield, Mass.—Construction permit for new broadcast station to be operated on **1140 kc.**, 500 watts, limited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of
1420 construction permit (B1-P-2940-a) to extend completion date from 4-18-35 to 8-18-35.

WJAR—The Outlet Co., Providence, R. I.—Extension of special
890 experimental authorization to use additional power of 250 watts night for license period to 9-1-35. (Gives 500 watts day and night.)

NEW—Brown Radio Service & Laboratory, Gordon P. Brown,
630 Rochester, N. Y.—Construction permit to erect a new station to be operated on **630 kc.,** 250 watts, daytime.

Atlantic Broadcasting Corp.—Authority to transmit sustaining programs to CKLW Windsor, CFRB Toronto, CKAC Montreal, on Columbia Network.

Second Zone

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Transfer
1200 of control of corporation from Steinman Hardware Co. to Mason Dixon Radio Group, Inc.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—
1200 Voluntary assignment of license from Lancaster Broadcasting Service, Inc., to Associated Broadcasters, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Construc-
1200 tion permit to move transmitter and studio from 16-18 W. King St., Lancaster, Pa., to site to be determined, Easton, Pa.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Modification
1370 of construction permit authorizing installation of new equipment; move transmitter from Main St., Mt. Orab, Ohio, to Portsmouth, Ohio, site to be determined; and move of studio from same location to Portsmouth, Ohio, site to be determined, giving exact transmtiter and studio sites as 821 Chillicothe St., Portsmouth, Ohio.

NEW—E. L. Clifford, Pottsville, Pa.—Construction permit for new
580 station on **580 kc.,** 250 watts, day.

Third Zone

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction per-
1200 mit to erect a new station to operate on **630 kc.,** 100 watts, unlimited. Amended to change frequency from **630 kc.** to **1200 kc.** and hours of operation from unlimited to daytime.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modifica-
550 tion of license to change frequency from **1290 kc.** to **550 kc.** and power from 1 KW to 1 KW, 5 KW day.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—
1370 Construction permit to make changes in equipment, increase power from 100 watts to 100 watts, 250 watts day, and change hours of operation from share KCRC to unlimited. Facilities of KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—
1370 Modification of license to change hours of operation from share KCRC to unlimited time. Facilities of KCRC.

NEW—Vernon Taylor Anderson, Mgr., A. B. C. Broadcasting Co.,
1500 Big Spring, Tex.—Construction permit to erect a new broadcast station to operate on **1500 kc.,** 100 watts, daytime.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—
1210 Construction permit to erect a new station to be operated on **1210 kc.,** 100 watts, unlimited time.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
780 Authority to determine operating power by direct measurement of antenna (for S. A. exp.).

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co.,
1420 Abilene, Tex.—Construction permit for new station on **1420 kc.,** 100 watts, unlimited. Amended re transmitter site, to be determined.

NEW—Denton-Record Chronicle Co., Denton, Tex.—Construction
1420 permit for new station on **1420 kc.,** 100 watts, day.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of
1500 construction permit (B3-P-254) authorizing changes in equipment and increase of power from 100 watts to 100 watts, 250 watts day, to extend completion date from 4-18-35 to 7-18-35.

Fourth Zone

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension
1280 of special experimental authorization to operate with additional power of 500 watts nighttime for period from 4-1-35 through 5-31-35.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis,
1500 Ill.—Modification of construction permit authorizing erection of a new station to be operated on **1500 kc.,** 100 watts, unlimited time, requesting approval of transmitter site at 5th and Broadway, and studio at Hotel Broadview, 5th and Broadway, East St. Louis, Ill.; and antenna changes.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modifica-
950 tion of construction permit authorizing installation of new equipment and increase in power from 1 KW, 2½ KW, to 1 KW, 5 KW day, for further changes in equipment.

NEW—A Staneart Graham, E. V. Baxter, Lester E. Cox, d/b as
1310 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction permit to erect a new station to operate on **1310 kc.,** 100 watts, unlimited time.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modifi-
1200 cation of license to change hours of operation from specified hours to unlimited time.

NEW—Champaign News-Gazette, Inc., Champaign, Ill.—Construc-
1370 tion permit to erect a new station to be operated on **1370 kc.,** 100 watts, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special ex-
1250 perimental authorization to make changes in equipment, change frequency from **1200 kc.** to **1250 kc.,** and increase power from 100 watts, 250 watts day, to 250 watts, 500 watts day.

KFH—The Radio Station KFH Co., Wichita, Kans.—Construction
1300 permit to make changes in equipment, increase power from 1 KW to 1 KW, 5 KW day. Amended as to equipment.

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction
1200 permit to erect a new station to be operated on **1200 kc.,** 100 watts, daytime. Amended as to equipment.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broad-
1500 casting Co., Omaha, Nebr.—Construction permit to erect a new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended requesting **1200 kc.** frequency, transmitter site to be determined, Nebr.

WBBM Broadcasting Corp.—Authority to transmit sustaining programs to CKLW Windsor, CFRB Toronto, CKAC Montreal, on Columbia network.

Fifth Zone

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—License to cover
1200 construction permit (5-P-B-3306) as modified to make changes in equipment, increase power, and change frequency.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to
1200 move 100-watt transmitter from 127 E. Main St., Missoula, Mont., to 5 miles northwest of Missoula near Frenchtown Road, to operate on **1200 kc.,** 100 watts, unlimited time, during period of construction, as authorized by B5-P-232. Amended giving transmitter site as U. S. Highway No. 93, 3¼ miles northwest of Missoula, Mont.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to
1150 erect a new station to be operated on **1150 kc.,** 100 watts, unlimited time.

NEW—Clark Standiford, Oakland, Calif.—Construction permit to
1490 erect a new station to be operated on **1490 kc.,** 100 watts, unlimited time.

NEW—A. Corenson, Pasadena, Calif.—Construction permit to erect
1480 a new station to be operated on **1480 kc.,** 100 watts, daytime.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license
780 to change hours of operation from share KBPS to specified hours, change frequency from **1420 kc.** to **780 kc.,** and increase power from 100 watts, 250 watts day, to 250 watts.

KGA—Louis Wasmer, Spokane, Wash.—Extension of special ex-
900 perimental authorization to operate on **900 kc.,** 1 KW, 2½ KW day, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—Construction permit to
850 erect a new station to be operated on **850 kc.,** 100 watts, daytime. Amended: Transmitter site to be determined.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Extension of special experimental authorization to operate on **780 kc.** for period of 90 days from 4-1-35 to 6-30-35.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension
1240 of special experimental authorization to operate with power of 1 KW (night) for period from 4-1-35 to 10-1-35.

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STATE OR MUNICIPAL TAXATION OF BROADCASTING

Section 1. All broadcasting is exclusively interstate commerce.

Federal regulation of radio communication, including broadcasting, under the Radio Act of 1927 as amended and the Communications Act of 1934, is based on the assumption that radio communication is a form of interstate commerce.

This assumption has been consistently maintained by the courts. In the early days of Federal regulation under the Act of 1927, efforts were made to attack the constitutionality of the law, on the ground either that radio communication was not commerce or that some forms of radio communication were not interstate. In no case, however, did the courts sustain either of these contentions, and the constitutionality of the Radio Act of 1927 and the Communications Act of 1934 has never been challenged in any court decision.

Furthermore, Federal regulation of radio communication, including broadcasting, is predicated on the assumption that *all* radio communication is interstate commerce. No form of radio transmission is permissible under the law except by virtue of a license issued by the Federal government. No one may claim the right to operate any sort of an unlicensed radio station, no matter how low its power or limited its range, on the ground that its operation does not constitute interstate commerce.

For this there are two reasons. The first is that, irrespective of the amount of power used, the range of the electrical impulses sent out from any sort of a radio transmitter is theoretically unlimited. Even though the signal may become largely inaudible within a few miles of the transmitter, the electrical impulses may, and in fact do, travel indefinitely far beyond the audible range, and thus, by passing over state lines, cause interference with radio commerce in other states. The second reason is that the operation of any type of radio transmitter may and often does create interference in the neighborhood of the transmitter with signals coming in from stations located in other states.

There is not, and the courts have never sought to make, any inherent difference between broadcasting and other forms of radio communication so far as their interstate character is concerned. The requirement of a Federal license applies equally to the broadcaster and the point-to-point station, the amateur operator and the airplane, the sender of radio telegraph code messages and the transmitter of radio telephony. Whatever the purpose of the transmission, and whether the power used is five watts or fifty thousand, Federal regulation is enforced, and its necessity has been perfectly apparent to the courts.

As applied to radio broadcasting, and above all to commercial broadcasting, in which it is necessary to use sufficient power to deliver a relatively clear audible signal, the minimum power output for which broadcasting stations are licensed is sufficient to send not only the electrical impulses but also the audible signals across state lines. Even the smallest broadcasting station regularly receives reports of reception from states other than the one in which it is located. Thus, so far as broadcasting is concerned, all transmission is interstate in character not only by reason of the range of the electrical impulses but also because of the range of the audible signals.

Furthermore, it is impossible to segregate as not constituting interstate commerce any of the various activities which combine to make up radio transmission. In the case of broadcasting, some confusion has been created by the general but wholly inaccurate use of the word "time," as applied to the operation of a particular station. Advertisers are commonly said to purchase "radio time," and "time" is allotted to programs of a non-commercial character. Of course, time is not the commodity actually purchased or allotted; it is simply a measure of one part of the value of that commodity. What the broadcaster actually sells or allots is the right to modulate, for a certain length of time, the electrical impulses which are being continuously sent out from the transmitter on a certain fixed radio frequency. Every single one of these continuous electrical impulses transcends state lines, regardless of the specific use to which it may be put.

The equipment of the broadcasting station, its transmitter, its studios and microphones, its operating and program staff, its sales organization, all exist for the purpose of sending out and modulating this continuous stream of electrical impulses in interstate commerce. There can be no question, as with telephone or telegraph transmission or railroad transportation, of a certain volume of activity that can be definitely segregated as intrastate. Even though a radio advertiser may have not the slightest interest in sending his sales message beyond the limits of a single state or even a single city, he cannot in the slightest degree restrict or interfere with the continuous flow of electrical impulses in interstate commerce.

That, in exercising its regulatory power, the Federal government must exercise control over all radio stations, considering each one as part of a nationally integrated system, was brought out by the Court of Appeals of the District of Columbia in *Technical Radio Laboratory v. Federal Radio Commission,* 36 Fed. (2d) 111. The court said:

> "It may be added that the authority of Congress to regulate radio communication as a species of interstate commerce necessarily implies the right of reasonable regulation to control in the public interest the number, location and activities of the broadcasting stations of the country as an integral system, and such control must necessarily at times involve the right of reasonable restriction and *pro tanto* prohibition."

That there can be no such thing as purely intrastate radio transmission, no matter what the intent of the person operating the transmitter may be, was stated by the Kentucky District Court in *Whitehurst v. Grimes,* 21 Fed. (2d) 787. In this case the court said:

> "Radio communications are all interstate. This is so, though they may be intended only for intrastate transmission; an interstate transmission of such communications may be seriously affected by communications intended only for intrastate transmission."

The fact that radio transmission is not and cannot be confined by state lines was stated by the Supreme Court of the United States in *Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co. (Station WIBO),* 289 U. S. 266. In this case the Court said:

> "No question is presented as to the power of the Congress, in its regulation of interstate commerce, to regulate radio communications. No state lines divide the radio waves, and national regulation is not only appropriate but essential to the efficient use of radio facilities."

The fact that radio communication is carried on without any material connection across state lines, as in the case of telephone and telegraph lines or railroad tracks, does not in any way alter its character as interstate commerce. This was pointed out by the Court of Appeals of the District of Columbia in *Trinity Methodist Church, South v. Federal Radio Commission,* 62 Fed. (2d) 850. The Court said:

> "We have already held that radio communication, in the sense contemplated by the Act, constituted interstate commerce. And we do not understand it is contended that where, as in the case before us, there is no physical substance between the transmitting and the receiving apparatus, the broadcasting of programs across state lines is not interstate commerce, and, if this be true, it is equally true that the power of Congress to regulate interstate commerce, complete in itself, may be exercised to its utmost extent, and acknowledges no limitation other than such as prescribed in the constitution."

A similar statement was made by the Circuit Court of Appeals, 9th Circuit, in *Duncan v. United States,* 48 Fed. (2d) 128. In this case the Court held:

> "It is conceded by the appellant, as it must be, that the conveyance of ideas across the boundaries of the state of origin to other states in the United States is interstate commerce, and is analogous to the transmission of such ideas by telephone or telegraph."

The specific point that all radio communication, without exception, is interstate commerce, was clearly brought out in the decision of the District Court for the Eastern District of South Carolina in *WBT, Inc., v. Poulnot,* 46 Fed. (2d) 671. In this case, involving a tax on radio receiving sets, the Court held:

> "There can be no doubt that communications by radio constitute interstate commerce. It has been so held by numerous courts, and the decisions of the Supreme Court of the United States defining interstate commerce necessarily lead to that conclusion. * * * The plaintiff contends that all radio communication is necessarily interstate, and in the present state of the art, this appears to be correct."

The fact that Federal regulation of radio communication as interstate commerce must necessarily embrace every phase of radio operation was emphasized by the District Court for the Northern Division of Illinois, Eastern District, in *United States v. American Bond and Mortgage Co. et al.,* 31 Fed. (2d) 448. The Court in this case said:

> "Radio waves travel for great distances into other states and foreign countries. * * * It is apparent from the description of radio broadcasting which has been given heretofore that, if its benefits are to be enjoyed at all, it must be subjected to national regulation. * * * It does not seem to be open to question that radio transmission and reception among the states are interstate commerce. * * * The authority of Congress extends to every instrumentality or agency by which commerce is carried on, and the full control of Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. The execution of Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter."

Pointing out that there had been absolutely no opinion of any Federal court in opposition to the view that radio communication in all its forms is wholly and exclusively interstate commerce, the Circuit Court of Appeals, 7th Circuit, in *American Bond and Mortgage Co. et al., v. United States,* 52 Fed. (2d) 318, held:

> "For it has been held by the various courts, that have passed upon the question, that the regulation of broadcasting stations is within the expressly delegated power of Congress to regulate interstate commerce. In the absence of a single authority holding to the contrary and in view of the reason set forth as the basis of the above decision, we, too, reach the same conclusion."

So definitely have the courts held that every phase of radio communication is interstate commerce that the Supreme Court of the State of Washington in *Van Dusen v. Department of Labor and Industries,* 158 Wash. 414, held that a workman who was engaged in repair work at a broadcasting station did not come under the State Compensation Act, and consequently his widow could not recover under that Act for his accidental death. The Court held:

> "It is admitted that Station KGA, during the hours that it was broadcasting, was carrying on a business interstate in character. * * * In the present case, Mr. Van Dusen, at the time of his death, was assisting in the removal of a telephone exchange, which had previously been used as an integral part of the radio station which was engaged in interstate commerce."

An analysis of these opinions by various courts shows clearly that there is legally held to be no such thing as intrastate radio transmission. No matter what the purpose or intent of the broadcaster may be, every act relating to the setting in motion of electrical impulses by means of radio frequencies or waves is an act performed as an integral part of interstate commerce.

It is only because of such a conception of radio transmission that the Federal government has the right to require not only that all transmitters be licensed, but that transmitter operators likewise hold licenses from the Federal government. It is because of such a conception that the Federal government exercises the right to say where transmitters shall or shall not be located, and to make regulations regarding radio equipment. This right extends not only to transmitters but to all related equipment, and the Communications Act of 1934 specifically includes "all instrumentalities, facilities, apparatus and services" incidental to radio transmission as coming within the definition of "radio communication."

It may, therefore, be taken for granted, in the light of court decisions dealing with the subject, that the interstate character of all radio transmission, including broadcasting, is not dependent either on the power of the transmitter or the purpose of the person transmitting. Regardless of all these factors, every radio transmission, and every activity directly related thereto, is integrally and wholly an act of interstate commerce. Any other conception of radio transmission destroys the entire Federal regulation and control of radio communication, and it is because the courts have so clearly understood this that they have been wholly unwilling to permit any form of exception to the rule that all radio communication, including both transmission and reception, is interstate commerce.

With regard to the interstate commerce character of all radio communication, in addition to the cases already cited, the following should be noted:

White v. Federal Radio Commission, 29 Fed. (2d) 113.

General Electric Co. v. Federal Radio Commission, 31 Fed. (2d) 630.

City of New York v. Federal Radio Commission, 36 Fed. (2d) 115.

KFKB Broadcasting Association v. Federal Radio Commission, 47 Fed. (2d) 670.

Journal Co. v. Federal Radio Commission, 48 Fed. (2d) 461.

Nelson Bros. Bond & Mortgage Co. (Station WIBO) v. Federal Radio Commission, 62 Fed. (2d) 854.

Section 2. States or subdivisions thereof may not tax interstate commerce.

The courts have consistently held that no state or subdivision thereof may impose any form of franchise, occupational or excise tax on interstate commerce, as such taxation inevitably imposes a burden on interstate commerce and becomes, in effect, regulation of it.

The general principle that states or subdivisions thereof may not tax interstate commerce as such has been so universally upheld by the courts that it has not been contested in the efforts to justify state or municipal taxation of the business of radio communication, including broadcasting. Instead, efforts have been made to draw analogies between radio communication and certain activities in which it is clearly possible to segregate the interstate from the intrastate features.

With regard to telephone companies, for example, it is possible to separate the purely intrastate from the interstate calls. However, the courts have held unconstitutional a state tax on telephone instruments, since such instruments are necessarily used for both interstate and intrastate business, and it is impossible to limit their use exclusively to either form.

Efforts have likewise been made to justify state taxation of the business of radio transmission through the analogy of state taxes on transportation, such as taxes on passenger, freight and Pullman rates, and on the revenues of bus companies using the highways. Here again, the analogy is obviously unsound. Transportation companies do a certain amount of clearly defined intrastate business, whereas it has already been shown that all radio communication, without exception, is interstate commerce.

The many cases dealing with the transportation, storage and sale of oil, gas and other commodities similarly show that state taxes have been held constitutional only when they can be applied to purely intrastate activities.

The fact that transportation, and also telephone and telegraph communication, are jointly regulated by the several states and by the Federal government is in itself a clear indication of the dual nature of these services. Radio communication on the other hand, is exclusively regulated by the Federal government.

It has been consistently held by the courts that a tax on the revenues or gross earnings of a business is a tax on the business itself. Thus a tax on the revenues of a radio broadcasting station is, in effect, a tax on the right of that station to engage in interstate commerce.

The following excerpts from court decisions show clearly the interpretation which the courts have placed on the right of states and subdivisions thereof to impose taxes on the business of engaging in interstate commerce.

The general rule as to state taxation of interstate commerce was set forth by the Supreme Court of the United States in *Eastern Ohio Gas Co. v. Tax Commission of Ohio,* 283 U. S. 465, as follows:

> "It is elementary that a state can neither lay a tax on the act of engaging in interstate commerce nor on gross receipts therefrom."

The general rule as to occupational license taxes was laid down by the Supreme Court of the United States in *Sprout v. City of South Bend,* 277 U. S. 163. In this case, involving a city tax on a bus company, the Court said:

> "A state may, by appropriate legislation, require payment of an occupation tax from one engaged in both intrastate and interstate commerce. And it may delegate a part of that power to a municipality. But in order that the fee or tax shall be valid, it must appear that it is imposed solely on account of the intrastate business; that the amount exacted is not increased because of the interstate business done; that one engaged exclusively in interstate commerce would not be subject to the imposition; and that the person taxed could discontinue the intrastate business without withdrawing also from the interstate business. The privilege of engaging in such commerce is one which a state cannot deny. A state is equally inhibited from conditioning its exercise on the payment of an occupation tax."

That a state may not tax the revenues derived from interstate commerce was clearly set forth by the Supreme Court of the United States in *Philadelphia & Southern Mail Steamship Co. v. Pennsylvania,* 122 U. S. 326. The Court said:

> "If, then, the commerce carried on by the plaintiff in error in this case could not be constitutionally taxed by the State, could the fares and freights received for transportation in carrying on that commerce be constitutionally taxed? If the State cannot tax the transportation, may it, nevertheless, tax the fares and freights received therefor? Where is the difference? Looking at the substance of things, and not at mere forms, it is very difficult to see any difference. The one thing seems to be tantamount to the other. It would seem to be rather metaphysics than plain logic for the State officials to say to the Company: 'We will not tax you for the transportation you perform, but we will tax you for what you get for performing it.' Such a position can hardly be said to be based on a sound method of reasoning. * * * No doubt a shipowner, like any other citizen, may be personally taxed for the amount of his property or estate, without regard to the source from which it was derived, whether from commerce, or banking, or any other employment. But that is an entirely different thing from laying a special tax upon his receipts in a particular employment. If such a tax is laid, and the receipts taxed are those derived from transporting goods and passengers in the way of interstate or foreign commerce, no matter when the tax is exacted, whether at the time of realizing the receipts, or at the end of every six months or a year, it is an exaction aimed at the commerce itself, and is a burden upon it, and seriously affects it."

In the case of *State v. Northern Express Co.,* 80 Wash. 309, 141 Pac. 757, the Supreme Court of the State of Washington said:

> "No state has the right to lay a tax on interstate commerce in any form, whether by way of duties laid on the transportation of the subjects of that commerce, or on the receipts derived from that transportation or on the occupation or business of carrying it on, as such taxation is a burden on that commerce and amounts to regulation of it."

That taxation of interstate or foreign commerce is essentially a regulation of it was clearly stated by the Supreme Court of the United States in *Crew Levick Company v. Pennsylvania,* 245 U. S. 292. In this case the Court said:

> "(A tax measured upon) gross transactions in foreign commerce seems to us to be, by its necessary effect, a tax upon such commerce, and therefore a regulation of it; and for the same reason to be in effect an impost or duty upon exports. This view is so clearly supported by numerous previous decisions of this Court that it is necessary to do little more than refer to a few of the most pertinent. Most of these cases related to interstate commerce, but there is no difference between this and foreign commerce, so far as the present question is concerned."

A recent decision of the Supreme Court of the United States bearing on state taxation of instrumentalities of interstate commerce is in the case of *Cooney, as Governor of Montana v. Mountain State Telephone & Telegraph Company,* decided on March 4, 1935, and contained in the March 5th copy of the *United States Law Week.* In that case, a tax was placed by the State of Montana on each telephone instrument. Each of these telephones was available for both interstate and foreign communication, and the company could not discontinue its intrastate business in Montana without being compelled to withdraw from its interstate and foreign business. Mr. Chief Justice Hughes said:

> "Where the tax is exacted from one doing both an interstate and intrastate business, it must appear that it is imposed solely on account of the latter; that the amount exacted is not increased because of the interstate business done; that one engaged exclusively in interstate commerce would not be subject to the tax; and that the one who is taxed could discontinue from intrastate business without also withdrawing from the interstate business."

An interesting parallel, in which it appeared that all of the plaintiff's operations were carried on within a single state, but that even so these operations constituted interstate commerce and hence the revenues derived therefrom were not subject to state taxation, is afforded by the decision of the Court of Appeals of the State of New York in *People ex rel The Connecting Terminal R. R. Co. v. Millar,* 178 N. Y. 194. In this case, involving the handling of grain in transshipment, the Court said:

> "There is one feature of the case, as to which there is no conflict in the authorities, and that is that interstate commerce cannot be taxed or burdened or restricted in any way by state laws, and the only question that we have to deal with now is whether the relator's operations are such that they can be held to be the transaction of the business of interstate commerce. Fortunately, there is no dispute about the facts of the case so far as they describe the relator's business. They have already been stated, and they stand admitted in the record. It is quite true that all of its operations are conducted within the state of New York, but I apprehend that the circumstance does not show that the business is something other than interstate commerce. We have the other fact that it is engaged in no local business whatever, and that it is but a mere link in the chain of transportation of grain and other property from the western states to the seaboard and from the east to the west. If, as the court of last resort with respect to such questions has often held, interstate commerce consists in intercourse and traffic between the states, either by navigation or otherwise, for the transportation of persons and property and the purchase, sale and exchange of commodities, the relator's operations would seem to fall fairly within that definition. * * * Hence, the relator's earnings upon which the tax in question was imposed would plainly appear to be derived from the business of interstate commerce."

The specific application of state taxes to radio communication was dealt with by the District Court for the Eastern District of South Carolina in *Station WBT, Inc., v. Poulnot,* 46 Fed. (2d) 671. In this case, involving a state tax on radio receiving sets, the Court said:

> "The only question remaining is whether the state has the right to lay a tax upon these instruments of interstate commerce. Under the numerous decisions of the Supreme Court there can be only one answer. Those decisions hold that Congress has the power to regulate interstate commerce; that that power is necessarily exclusive whenever the subjects are national in their character or admit only of one uniform system or plan of regulation; and that where the power of Congress to regulate is exclusive, the failure to regulate indicates the will that it shall be left free from any restrictions or impositions; and any regulation of the subject by the state, except in matters of local concern, is repugnant to such freedom, and that no state can compel a party, individual, or corporation to pay for the privilege of engaging in interstate commerce, and that a state has no power to lay any burden in any form, by taxation or otherwise, upon interstate commerce or its instrumentalities. * * * The tax in question cannot be sustained under those cases which hold that the state has a right to impose an ordinary property tax upon property having a situs within its territory and employed in interstate commerce; for here the tax is not a general property tax, but a license tax for the privilege of using an instrument of interstate commerce. Nor can it be sustained as a matter of local regulation, for the sub-

> ject is national, and admits only of one uniform system or plan of regulation. Nor can it be sustained as a police regulation with an incidental tax to pay the expenses of the regulation, for it has no elements of police, and moreover, the tax is frankly devoted to the uses of a state institution. Nor can it be sustained as in aid of interstate commerce, nor on the ground that its effect is merely incidental. The tax here is directly laid upon a necessary instrument of interstate commerce, imposes a burden upon that commerce, and the act of the Legislature imposing it is therefore in conflict with the Constitution of the United States, and null and void."

As a further indication of the attitude of the courts, the case of *Whitehurst v. Grimes,* 21 Fed. (2d) 787, is particularly significant. The City of Wilmore, Kentucky, enacted an ordinance imposing a license fee on all radio transmitters. The plaintiff in this case was an amateur operator using a very small power output, but even so the District Court held that he was engaged in interstate commerce, and concluded:

> "It follows that the ordinance is void as a regulation of interstate commerce."

In addition to the cases already cited as bearing on the right of states or subdivisions thereof to tax interstate commerce, the following cases should be noted:

Nutt v. Ellerbe et al., 56 Fed. (2d) 1058.

United States Express Co. v. Minnesota, 223 U. S. 335.

South Carolina Power Co. v. South Carolina Tax Commission, 60 Fed. (2d) 528.

People ex rel Pennsylvania Railroad Co. v. Wample, 138 N. Y. 1.

Anglo-Chilean Nitrate Sales Corporation v. State of Alabama, 288 U. S. 218.

Di Santo v. Pennsylvania, 273 U. S. 34.

Educational Films Corporation of America v. Ward et al., 282 U. S. 379.

Fox Film Corporation v. Doyal et al., 286 U. S. 266.

Galveston, Houston & San Antonio Railway Co. v. Texas, 210 U. S. 217.

Helson & Randolph v. Kentucky, 279 U. S. 245.

Marconi Wireless Telegraph Co. v. Commonwealth, 106 N. E. (Mass.) 310.

New Jersey Bell Telephone Co. v. Board of Taxes & Assessments of the State of New Jersey, 280 U. S. 338.

Norfolk & Western Railroad Co. v. Pennsylvania, 136 U. S. 114.

Northwestern Mutual Life Insurance Co. v. Wisconsin, 275 U. S. 136.

Ozark Pipe Line Corporation v. Monier, 266 U. S. 555.

A. G. Spalding & Bros. v. Edwards, 262 U. S. 66.

Texas & New Orleans Railroad Co. v. Sabine Tram Co., 227 U. S. 111.

United States Glue Co. v. Town of Oak Creek, 247 U. S. 321.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN FEBRUARY

Developments of the Month

WITH the exception of an 8.5% increase in national non-network volume, broadcast advertising in February exhibited the usual seasonal trends. Total gross time sales were $7,205,145, a decrease of 2.5% as compared with the preceding month. National network volume declined 5.0%. Local broadcast advertising dropped 3.5%, while regional network business remained at approximately the previous month's level. Both declines were less than occurred in February of the preceding year.

Comparison with Previous Year

Broadcast advertising volume continues to maintain a consistently higher level than during the same period of 1934. Total broadcast advertising in February was 21.2% greater than during the same month of last year. Gains in specific forms of broadcast advertising were as follows: National networks, 24.4%; regional networks, 5.5%; national non-network business, 23.6%; and local broadcast advertising, 9.5%.

Comparison with Other Media

Major media exhibited the usual seasonal trends during February. National magazine advertising rose slightly during the month, though by no more than the usual seasonal amount. National farm paper advertising increased 59.3% as compared with January, while newspaper advertising decreased slightly. Magazine volume was 6.3% above last February, while national farm paper and newspaper advertising each rose 5.7%.

Non-network Trends

General non-network advertising, national and local combined, increased slightly during the month and was 16.1% above the same month of 1934. Stations of 5,000 watts and over in power increased their business 5.6% above January, and reached a level 31.4% higher than February of last year. Regional station non-network business declined 12.9% during the month and was 4.2% under the 1934 level. Local station volume remained unchanged during the month and was 27.0% above last year.

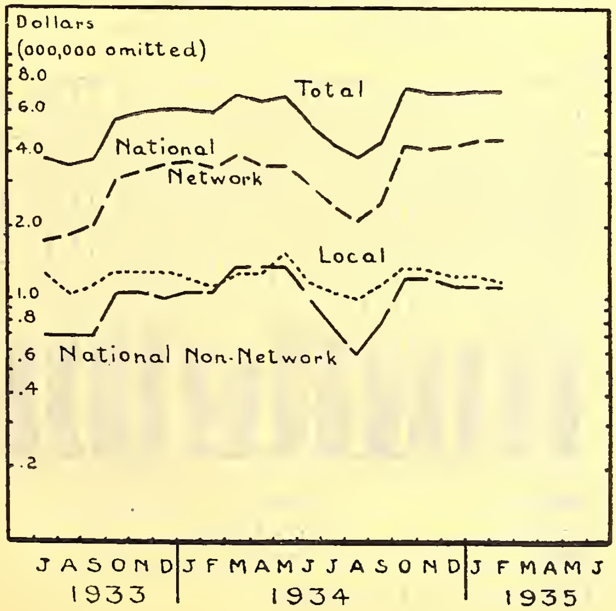
New England, Middle Atlantic, Mountain and Pacific non-network advertising declined slightly in February, as seems to be usual, while Southern and Middle Western business rose moderately, again seemingly a normal trend. Gains in non-network volume in various sections, as compared with last February, were as follows: New England-Middle Atlantic Area, 5.9%; Southern Area, 18.8%; Middle West, 13.8%, and Mountain and Pacific district, 10.3%.

No new trends were indicated as to types of rendition employed in non-network advertising. Electrical transcription volume continued slow, national volume being 3.2% under last February and local volume 4.0% lower. National non-network live talent business continued to show strength and was 37.5% above the level of the previous year. National announcement volume was 42.0% higher than last February, due to the very poor showing of the latter month rather than to any general upward trend. Local live talent volume was 13.8% greater than the same month of 1934.

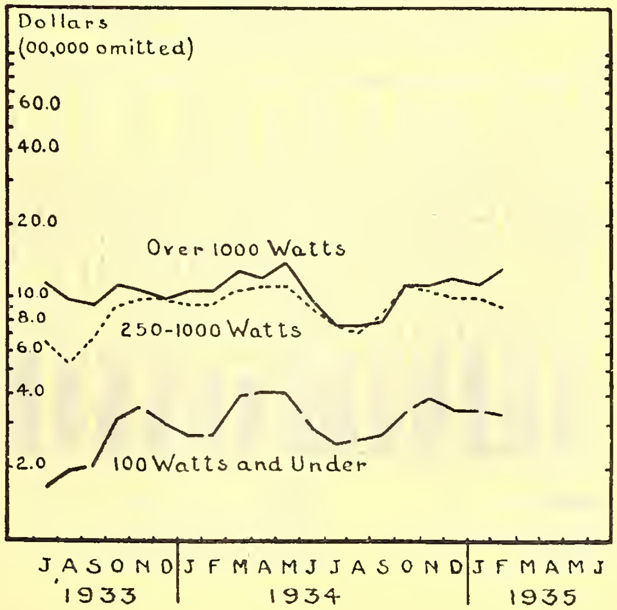
Sponsor Trends in February

The usual seasonal trends were in evidence in most fields of broadcast advertising sponsorship. The February decline in automotive advertising was only half as great as in 1934. Clothing advertising increased appreciably in all fields. Drug advertising continued to show strength everywhere except in the local field. A general increase occurred in household equipment advertising for the second consecutive month. National non-network and local financial advertising were both approximately 40.0%

RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to February, 1935

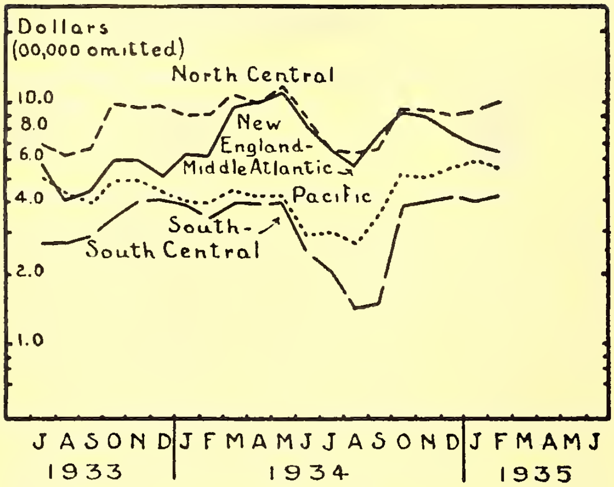


NON-NETWORK ADVERTISING BY STATION POWER
July, 1933, to February, 1935



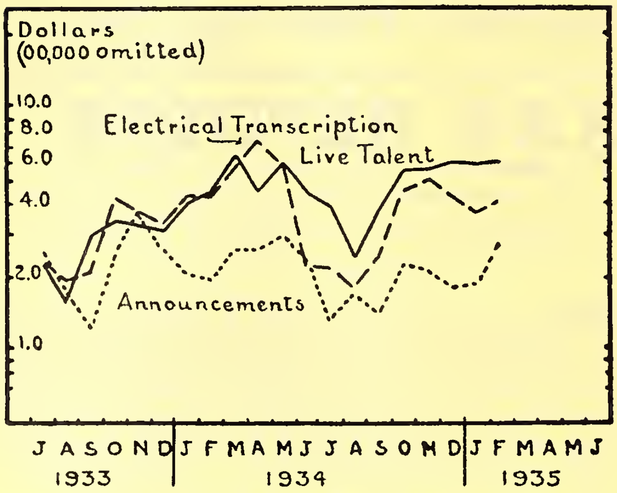
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to February, 1935



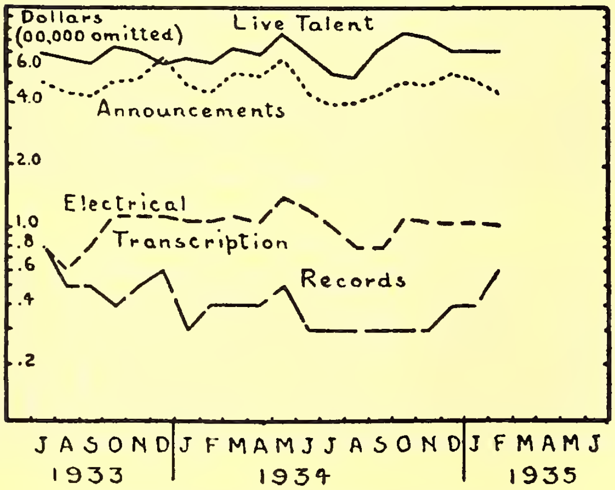
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION

July, 1933, to February, 1935



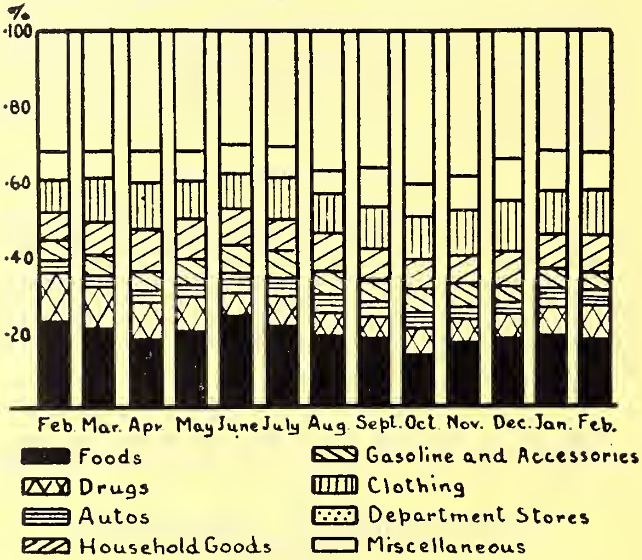
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to February, 1935



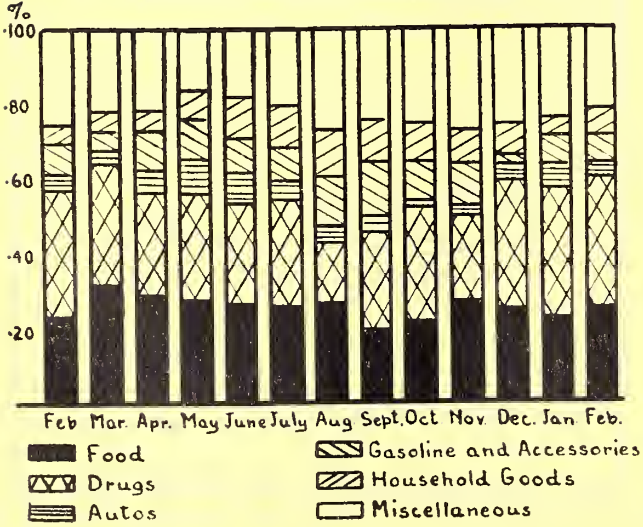
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

February, 1934, to February, 1935



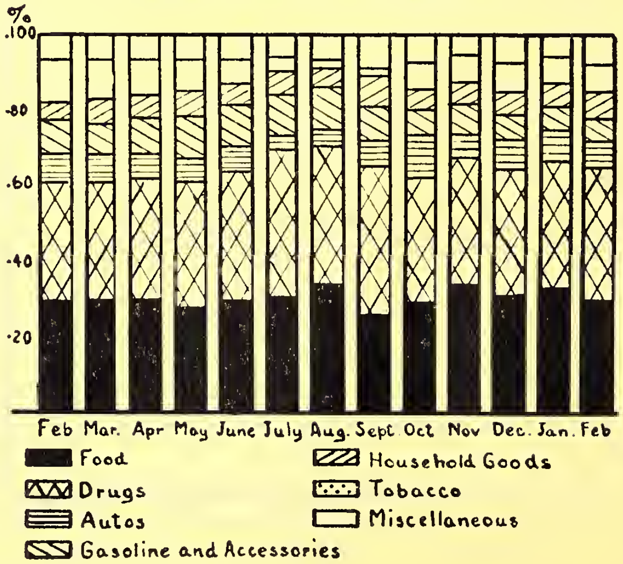
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

February, 1934, to February, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

February, 1934, to February, 1935



greater than in the preceding February. General retail advertising experienced a gain of 48.2% as compared with the same month of 1934, while department store advertising showed a rise of 70.5% as compared with the same period.

Detailed information regarding the trends in broadcast advertising by various sponsor groups are as follows:

1a. ***Amusements.*** National non-network volume declined materially compared to January, local volume decreasing 11.4%. General level unchanged as compared to February of last year.

1. ***Automotive.*** General decline as compared to previous month, though only half as great as in 1934. National network volume 22.8% above same month of last year. Regional volume down 5.0%. National non-network business up 11.5%, and local volume 14.6%.

2. ***Gasoline and accessories.*** General declines as compared with January, though less than in previous year. Declines as follows: National networks, 8.0%; regional networks, 23.0%; national non-networks, 8.6%; and local 5.0%. National network volume 16.0% under last February. Regional network business up 12.8%. Gains in national non-network and local business 14.2% and 6.4%, respectively.

3. ***Clothing.*** Local volume decreased 10.0% as compared January, seemingly the usual seasonal amount. National network advertising up 37.8%, with slight gains in regional and national non-network fields. Gains as compared to same month of 1934 are as follows: National networks, 30.0%; regional networks, more than three-fold; national non-network, five-fold; local, 45.8%.

4. ***Drugs and pharmaceuticals.*** National network volume 1.3% under January level, regional network 19.0% greater, national non-network 11.4% greater, and local up 5.6%. Latter two trends seasonal. National network business 78.3% above last February, regional network volume three and one-half times greater, national non-network up 33.1%, and local down 13.8%.

5. ***Toilet goods.*** National non-network volume up 10.2% compared January, local up 50.0%. Seasonal trends mainly responsible. National and regional network volume unchanged. National network advertising 21.8% above last February, national non-network 8.8% greater, and local volume 38.0% less.

6. ***Foodstuffs.*** Compared to preceding month, national network down 11.7%, regional down 34.6%, national non-network up 20.8%, and local volume unchanged. National non-network volume 45.2% above same month 1934, national network level unchanged, local down 22.6%, and regional network down 5.3%.

7. ***Beverages.*** National network volume down 9.0% as against previous month, national non-network down 26.2%, and local up 18.7%. Seasonal trends mainly responsible. National network volume 5.1% under previous February. Regional advertising 6.0% greater, local volume up 16.1%, and national non-network business down 30.0%.

8. ***Confectionery.*** National network business down 9.1% during month, local up 18.7%, and national non-network business double January. Compared February, 1934, national network up 53.1%, national non-network up 13.8%, and local up 141.0%.

9. ***Household equipment.*** National network volume triple previous month, national non-network up 16.6%, regional down slightly, and local unchanged. Compared February last year, national network 74.3% greater, regional up materially, national non-network double, and local up 38.8%.

10. ***Soaps and kitchen supplies.*** National network down slightly, national non-network up 16.1%, and local down 10.0%, compared January. Compared February, 1934, national network up 79.8%, national non-network up 36.0%, and local volume unchanged.

11. ***Insurance and financial.*** National network and local volume 10.0% below previous month. National non-network 17.4% greater. Compared February last year, national network volume 15.8% above, national non-network 44.4% greater, and local up 41.2%.

12. ***Radio.*** Network volume down 5.8% compared January, and local down one-half. National network volume slightly ahead same month of last year, and local more than double.

13. ***Department and general stores.*** Local volume down 5.7% compared previous month, national non-network down materially. Compared preceding February, local 70.5% and national non-network 10.0% under.

14. ***Tobacco products.*** National network volume down 9.0% and national non-network down 18.0%. National network business 24.7% less than previous February, and national non-network advertising 32.7% greater.

15. ***Miscellaneous.*** National non-network and local volume comparatively unchanged from previous month. National non-network up 14.1% and regional volume up 16.2%. National network business 37.4% above February, 1934, national non-network 18.2% under, and local 5.3% above.

Retail Advertising. Retail advertising continued strong during February. The month's volume declined but 10.4% compared to January, a smaller seasonal decrease than usual, and remained at a level 48.2% above February of last year. Automotive volume was 51.3% greater than during the same month of 1934, department store advertising 70.0% greater, clothing store advertising 45.0% above, drug store, beauty parlor, gasoline station and accessory store advertising practically double; furniture store volume up 6.6% and hardware store advertising 70.0% greater.

General Business Conditions

In spite of some slight recessions, March business activity remained fairly steady. Industrial production increased slightly during the month though averaging a fraction under February. Automotive production continued at a high level. Factory employment and payrolls rose slightly as compared with the preceding month. Freight car loadings remained comparatively unchanged,

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(February, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements					
1–2. Automobiles and Accessories:	—	—	$1,618	$35,635	$37,253
(1) Automobiles	$324,989	$1,590	51,905	48,408	426,892
(2) Accessories, gas and oils	264,333	7,117	96,130	65,910	433,490
3. Clothing and apparel	39,522	3,636	25,460	159,420	228,038
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	696,480	7,486	383,580	94,178	1,181,724
(5) Toilet goods	889,623	1,060	73,980	29,992	994,655
6–8. Food products:					
(6) Foodstuffs	908,097	14,929	264,630	175,343	1,362,999
(7) Beverages	261,927	5,400	25,442	71,995	364,764
(8) Confections	176,208	2,350	58,083	9,552	246,193
9–10. Household goods:					
(9) Household equipment and furnishings	66,750	4,542	54,066	117,686	243.044
(10) Soap and kitchen supplies	244,738	705	36,540	2,450	284.433
11. Insurance and financial	44,274	—	27,360	50,942	122,576
12. Radios	91,144	—	785	8,520	100,449
13. Retail establishments	—	—	2,290	132,977	135,267
14. Tobacco products	295,363	1,200	13,243	1,960	311,766
15. Miscellaneous	168.984	8.008	219,550	335.060	731,602
Total	$4,472,432	$58,023	$1,334,662	$1,340,028	$7,205,145

while department store sales experienced a slight increase. Retail trade forecasts were in the main favorable.

Grocery chain store sales in February, the latest month available, were 3.5% greater than during the same month of 1934. Rural retail sales were 12.5% greater, on the same basis, while automobile sales were approximately 60.0% ahead of the same period of last year.

Industrial activity, employment and payrolls are tending to approximate and in cases to exceed 1931 levels, though the distribution and sale of goods still remains materially below that level.

Prices have remained comparatively steady in recent weeks. The food price index of the Department of Labor was 81.1% of the 1926 level during the third week of March, as compared with 62.4% during the same week of 1932. Prices of general consumers goods during the same period have risen from 71.1% to 77.3% of the 1926 level.

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*January*	*February*	*Cumulative Jan.-Feb.*
National networks	$4,711,529	$4,472,432	$9,183,961
Regional networks	57,916	58,023	115,939
National non-network	1,229,530	1,334,662	2,564,192
Local	1,388,850	1,340,028	2,728,878
Total	$7,387,825	$7,205,145	$14,592,970

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time Sales		
Advertising Medium	*January*	*February*	*Cumulative Jan.-Feb.*
Radio broadcasting	$7,387,825	$7,205,145	$14,592,970
National magazines[1]	9,025,361	9,594,575	18,619,936
National farm papers	307,367	491,097	798,464
Newspapers[2]	36,481,000	35,393,000	71,874,000
Total	$53,201,553	$52,683,817	$105,885,370

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[1] National magazine totals for 124 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and a portion of national network figures also are taken.

[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Advertising Medium[1]	*January*	*February*	*Cumulative Jan. Feb.*
Over 1,000 watts	$1,237,090	$1,406,400	$2,643,490
250-1,000 watts	1,030,840	920,245	1,951,085
100 watts	350,450	348,045	698,495
Total	$2,618,380	$2,674,690	$5,293,070

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[1] Includes principally high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

	1934 Gross Time Sales	
Type of Sponsoring Business	*January*	*February*
Automobiles and accessories:		
Automobile agencies and used car dealers	$84,400	$56,770
Gasoline stations, garages, etc.	60,000	50,020
Clothing and apparel shops	177,800	162,520
Drugs and toilet goods:		
Drug stores	20,770	13,960
Beauty parlors	9,110	9,588
Food products:		
Grocery stores, meat markets, etc.	38,638	42,973
Restaurants and eating places	16,020	15,410
Beverage retailers	10,336	3,418
Confectionery stores	1,720	2,145
Household goods:		
Household equipment retailers	29,300	29,432
Furniture stores	72,486	73,198
Hardware stores	9,328	7,650
Radio retailers	15,957	8,995
Department and general stores	148,205	135,267
Tobacco shops	614	150
Miscellaneous	71,345	75,180
Total	$766,029	$686,676

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*January*	*February*	*Cumulative Jan.-Feb.*
New England-Middle Atlantic Area	$691,300	$659,750	$1,351,050
South Atlantic-South Central Area	401,460	418,060	819,520
North Central Area	939,790	1,052,400	1,992,190
Pacific and Mountain Area	585,830	544,480	1,130,310
Total	$2,618,380	$2,674,690	$5,293,070

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*January*	*February*	*January*	*February*	*January*	*February*	*Jan.-Feb.*
Electrical transcriptions	$376,480	$419,590	$114,180	$104,931	$490,660	$524,521	$1,015,181
Live talent programs	597,685	615,923	723,735	717,836	1,321,420	1,333,759	2,655,179
Records	3,850	9,340	43,500	63,643	47,350	72,983	120,333
Announcements	251,515	289,809	507,435	453,618	758,950	743,427	1,502,377
Total	$1,229,530	$1,334,662	$1,388,850	$1,340,028	$2,618,380	$2,674,690	$5,293,070

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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COPYRIGHT BILL INTRODUCED

A copyright bill (S. 2465), carrying out the recommendations of the Department of State and including virtually all of the recommendations of the NAB, was introduced in the Senate by Senator Duffy of Wisconsin. The bill has been referred to the Senate Patents Committee and hearings will be held within the next two weeks.

In the meantime the Senate Foreign Relations Committee has given consideration to the Convention for the Protection of Literary and Artistic Works and it is expected that ratification of this treaty will be recommended by the Committee shortly. However, it is understood by all parties interested in copyright legislation that the Senate will not ratify the treaty until the Duffy bill has become law.

The text of the Duffy bill, the most important copyright legislation to come before the Congress in many years, is published in another part of this issue of NAB REPORTS. It is understood to have the support of all interests except the American Society of Composers, Authors and Publishers, which group objects specifically to the elimination of the $250.00 statutory minimum damages provision.

COPYRIGHT CASE TO BE SPEEDED

The United States Government will use every effort to bring its anti-trust suit against the American Society of Composers, Authors and Publishers et al. to trial without delay, according to an official release issued by the Department of Justice in Washington on March 27.

The text of the Government's release follows:

"On March 26, 1935, United States District Judge John C. Knox of the Southern District of New York sustained the Government's motion to strike irrelevant portions of the defendant's answers in the suit of *United States v. American Society of Composers, Authors and Publishers,* and 131 other defendants consisting primarily of music publishers and officers and directors of the American Society. The portions of the answers involved in the motion represented 26 of the 41 printed pages of the answers, which portions constituted in effect affirmative defenses to the violations of the Sherman Anti-Trust Act alleged by the Government in its petition. It was the Government's contention that these affirmative defenses were insufficient in law. With the exception of 5 minor allegations representing less than 2 pages of the answers, the Government's motion was sustained in its entirety.

"The rulings by Judge Knox in effect recognized the Government's contention that the stricken matter is no defense to the charge of price fixing under the Sherman Anti-Trust Act.

"The Government will use every effort to bring the case to trial without delay."

NAB INVESTIGATING ASRA

Many members have written to NAB headquarters asking for information in connection with the license proposal of the American Society of Recording Artists, Inc., Hollywood, Calif. A copy of the form letter and form of license application has been filed by the Society with the NAB and the Managing Director has notified the Society that the matter will be referred to the Board of Directors for action. In the meantime the Society has been asked for additional information in order that the Board may have all of the facts before it before taking any action in the matter. The Society has been asked to inform the NAB upon what statutes or court decisions it bases its licensing rights.

TAX CASE DISMISSED BY COURT

Upon petition of Oglethorpe University, the Supreme Court of the United States this week dismissed the case involving the right of the City of Atlanta to impose a license tax upon broadcasting stations. The case was dismissed after it was learned that another case involving the right of a state or municipality to impose taxes on broadcast stations was on its way to the Supreme Court. The latter case, it was felt, more clearly defines the issues upon which decision is desired.

HUEY P. LONG TO RESCUE

The Copeland bill to revise the food and drugs laws was tabled temporarily by the Senate this week following adoption of a number of amendments liberalizing the measure.

It was Senator Huey P. Long of Louisiana who demanded in the Senate that the provision in Section 708(e) of the bill, discriminating against radio broadcasting, be eliminated from the bill. The NAB has consistently opposed this discrimination and made its position clear in public hearings on the bill. Senator Copeland of New York, who has been in charge of the bill, has, on the other hand, consistently refused to eliminate the provision. But he accepted Senator Long's amendment.

When the objectionable section was reached, Senator Long obtained the floor and proposed the amendment.

"I move to strike out the words 'other than by radio broadcast,'" Senator Long said during the debate. "As it stands, no dealer is to be prosecuted for what he sells in good faith and for advertising it, except by radio broadcast. If he publishes in good faith an 'ad' in a newspaper, or if he sends out a circular, or sends out a letter, he is not bothered, but if he accidentally sends a word over the radio, he is to be prosecuted for that.

"It is to be prohibited under the preceding provision. In other words, it would prohibit false information being spread in any way, by newspaper, radio, or otherwise, and that is all right; I have no objection to that. That covers the radio, it covers a newspaper, and it covers a magazine. But it is provided that no retail dealer shall be held responsible for whatever he advertises in good faith except by radio. He must not make a mistake by radio, but he can make any other mistake he wants to.

"If it is desired that no mistakes be made, if it is desired that anyone shall be punished if he does not act in good faith, that is one matter; but to hold that a man shall be responsible for what he says over the radio, but that he can put the same statement in a newspaper and not be responsible for it, is an unfair discrimination and there is no basis to support it.

"I do not give my support to favoring the newspapers in preference to the radio anyway, just as between us Members of the Senate. I have been able to make myself heard over the radio, when the newspapers would not let me be heard, and I am somewhat of the opinion that there is no reason to discriminate. Perhaps my friend, the Senator from New York, has had better luck the other way."

"When this provision was written into the bill last year," Senator Copeland replied, "beginning with the words, 'No retail dealer shall be prosecuted,' there was great fear on the part of the small-town newspapers, the village weeklies, and so on, that the editor or publisher who wrote the advertising might somehow or other find himself in difficulty. At that time we had not included the language about the radio which has been quoted by the Senator from Louisiana. I am in agreement now that there is no reason why this language should not be deleted from the bill."

IBEW WINS APPEAL IN WGST CASE

The National Labor Relations Board, in an opinion dated April 8th, reversed the decision of the Regional Labor Board in the WGST case and found that the station had violated Section 7 (a) of the National Industrial Recovery Act by refusing to bargain collectively with the authorized representatives of its employees.

The Board announced that unless within seven days the company notified the Board that it would enter into negotiations with the

International Brotherhood of Electrical Workers, Local Union No. 647, and endeavor in good faith to arrive at a collective agreement covering terms of employment, the case would be referred to the Compliance Division of the National Recovery Administration and to other enforcement agencies of the Federal Government for appropriate action.

KVOS FUND MISINTERPRETED

A few NAB members have protested against the action of the Executive Committee in asking for voluntary contributions to assist Station KVOS, Bellingham, Wash., in financing the appeal taken by the Associated Press from the decision of Federal Judge Bowen involving the question of news broadcasting.

First of all, it is not the intention of the NAB to intervene in the case and the letter of the Executive Committee simply asked for financial help for Station KVOS, which station is unable to pay the costs of the appeal. Former Senator C. C. Dill is appearing as attorney for Station KVOS.

The radio industry's interest in the case is the same as the publishing industry's; namely, clarification of the law governing rights in news. Two federal courts have previously held that newspapers are protected in their news for a period of 24 hours after publication. Judge Bowen, after considering these previous decisions, rejected them and laid down a different rule of law and at the same time held that the AP-INS decision of the Supreme Court of the United States relates only to unfair competition between competing press associations and does not apply as between radio stations and newspapers. This leaves the law in a state of confusion and this confusion can only be clarified by a decision of the highest court of the land.

In the interest of obtaining a sound decision on the issues it is necessary that both viewpoints be presented to the upper courts. Failure of the appeal certainly would not result in a determination of the issue.

It is erroneous to state that the action of the NAB Executive Committee in merely providing the machinery for the collection of voluntary contributions for this purpose places the NAB on record as favoring "piracy" of news. The NAB is not called upon to agree or disagree with the court's decision. Its interest is simply in having the issue judicially determined once and for all so that radio stations and newspaper publishers alike may know their definite rights.

RETAIL RADIO MANUAL PUBLISHED

"Radio Broadcasting Manual for Retailers", which should be on the desk of every station commercial manager, has just been published by the National Retail Dry Goods Association. The manual has been compiled by Frank W. Spaeth, Manager of the Sales Promotion Division of the Association, with liberal assistance from retailers and broadcasters.

The manual presents a fairly comprehensive treatment of the varied problems which face the retailer employing broadcast advertising, ranging from the selection of the station and time to broadcast, through the problems of what merchandise to feature, the planning of store tie-ins, and similar questions.

Broadcasters will find especially interesting the sections dealing with the varied uses which can be made of broadcast advertising by retail establishments, in the specific problems faced by retailers in their radio efforts, and in the excellent case studies presented.

Discussion of items such as the advertising of luxury items, the price lines to be employed and featured, the use of radio to popularize store brands, promotional coordination with broadcast advertising, the planning and administration of the radio budget, coping with the so-called "buyer problem" and similar features, has been particularly well presented.

Some minor aspects of the purely broadcasting considerations might have been treated more thoroughly. Broadcasters undoubtedly will disagree with some of the conclusions regarding the best days on which to broadcast, the generalizations concerning afternoon time, and the comment that showmanship can be achieved only at a relatively high price.

On the other hand, they will find an excellent argument for a larger radio budget in the data presented on this subject. Whereas the total department store budget for advertising runs between 3.5% and 4.0% of net sales, and miscellaneous advertising—other than newspaper advertising—runs between .2% and .25% of net sales, radio expenditures among the larger stores only amounted to between .04% and .08% of sales in 1934. It would seem, in the face of the striking success of broadcast advertising in the national field, that the innate conservatism of department store owners was leading them to overlook a highly effective advertising medium.

Though the manual concerns itself almost exclusively with department stores, much of its material is equally applicable to various types of specialty shops. The manual is priced at $2.50 and can be secured from the Sales Promotion Division, National Retail Dry Goods Association, 225 West 34th Street, New York City.

RADIO BROADCASTS ENJOINED

It remained for the Newark, N. J., Ledger, after the Newark Guild had called a strike, to seek an injunction in the New Jersey courts which interfered with both freedom of radio and the press. Vice Chancellor Maja Leon Berry granted the injunction. This is the first case of record in which such injunction has been imposed upon radio.

The court order, after enjoining the "Guild Reporter", restrains the strikers from:

"From threats of violence, insults, indecent talk and abusive epithets, annoying language, broadcast, spoken or disseminated by the use of loud speaking or other sound devices or radio."

The action of the Newark Ledger in requesting the injunction and the action of the court in granting it has received proper criticism of the press and radio alike.

Loud in its condemnation of the court order, Editor and Publisher, ardent supporter of freedom of the press, points out that the "injunction, directed against radio and press, is vague, subject to all manner of interpretation, and is diametrically opposed to U. S. Supreme Court decisions and previous decisions of the court of which Vice Chancellor is now a member."

Freedom of the press means freedom of the press and freedom of radio means freedom of radio. Together they mean freedom of expression. The press and radio may differ on many other matters but they will never differ when their basic freedom is threatened. A free press exists only where radio is free and a free radio exists only where the press is free.

FCC APPOINTS CHIEF ACCOUNTANT

The Federal Communications Commission this week announced the appointment of John H. Bickley as Chief Accountant for the Telephone Investigation recently authorized by Congress. His salary will be $9000 per year.

Mr. Bickley is 42 years of age and is a certified public accountant from Maryland and Wisconsin. He has lately been employed by the Federal Trade Commission, and comes to the Communications Commission from the Department of Accounts and Finance of the Public Service Commission of Wisconsin.

COMMISSION APPOINTS ASSISTANT GENERAL COUNSEL

The Federal Communications Commission announced this week the appointment of Carl F. Arnold, Dean of the Law School of the University of Wyoming, as an assistant general counsel in the Law Department. Mr. Arnold will devote his time and studies to problems connected with the telegraph and telephone divisions.

COMMISSION APPOINTS ACCOUNTANT

The Federal Communications Commission this week announced the appointment of Lloyd E. Bemis, of Chicago, as an accountant for the forthcoming Telephone Investigation. His salary will be $6000 per year.

Mr. Bemis is a certified public accountant from the state of Illinois, and has been engaged in public utility work in Illinois and Indiana.

PLANS FOR AFA MEETING

Advertising leaders in Chicago are in the midst of plans for the thirty-first annual convention of the Advertising Federation of America to be held there, at the Palmer House, June 9 to 12, inclusive.

Meetings were held this week by several of the convention committees dealing with various phases of convention activity, notably the General Program Committee, of which G. R. Schaeffer, advertising director of Marshall Field & Company, Retail, is chairman.

Richard Thain, advertising director of Carson Pirie Scott & Company, Wholesale, president of the newly organized Chicago Federated Advertising Club, and the Board of that Club, has appointed six convention committees directing the various activities in their capacity as hosts to the visiting delegates.

OPPOSES KFBK CHANGE

Station KFBK, Sacramento, Cal., applied to the Federal Communications Commission for a change in its frequency from 1310 to 1490 kilocycles, and from 100 watts to 5,000 watts power. The time used is now unlimited. Ralph L. Walker(e) in Report No. I-35 recommends that the application be denied.

The Examiner found that there seems to be a need for the additional radio coverage by the station, but he called attention to the fact that the Fifth Zone is now assigned more night broadcast facilities than it is entitled to and while "considered alone, an increase of .65 unit might possibly be termed a 'slight departure' within the meaning of paragraph 6(g) of the Commission's rules and regulations, but viewed in the light of the total deviation, the provisions of paragraph 6 would appear to preclude the granting of the application."

FAVORS APPLICATION WITHDRAWALS

In the case of three applications for broadcasting stations in California, Ralph L. Walker(e) recommended that their request for withdrawal of the applications be granted; in Reports Nos. I-36, 37 and 38.

Radio Service, Inc., at Riverside, Cal., W. L. Gleeson, at Salinas, Cal., and Radio Service, Inc., at Redlands, Cal., all applied to the Federal Communications Commission for construction permits for new stations at the places mentioned, all to use 820 kilocycles, 100 watts power daytime. When the cases were called for hearing a letter was submitted from the attorney for the applicant seeking leave to withdraw the applications. The Examiner has recommended that this request be granted.

APPROVES WNRA OPERATION

Station WNRA, Muscle Shoals City, Ala., which has had a special temporary time basis, applied for permanent assignment. The station operates on 1420 kilocycles, 100 watts power and unlimited time.

Melvin H. Dalberg(e), in Report No. I-34, recommends that this station be granted permanent operation on its present basis; namely, full time. He found that the station is eligible to continue on a permanent basis the present special authority; that there is need in the area of Muscle Shoals for this service and that on its present basis the station would not interfere with the efficient service of other stations.

RECOMMENDS AGAINST NEW STATION

Arthur Westlund and Jules Cohn applied to the Federal Communications Commission for a construction permit for a new broadcasting station at Santa Rosa, Cal., to use 1500 kilocycles, 100 watts power and unlimited time on the air.

In Report No. I-39, Ralph L. Walker(e) has recommended that the application be denied. The Examiner found that "it is not shown that there is a substantial need for additional broadcast service in the area proposed to be served, that there is sufficient program material available to provide a desirable and substantial service, or that it may be reasonably expected that the proposed station can be successfully operated as a commercial enterprise."

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders, to which the respondents have consented, have been issued by the Commission in the following cases:

No. 2146. L. Heller & Son, Inc., and The Heller-Delath Co., Inc., New York City. To cease and desist from unfair trade practices in the sale in interstate commerce of imitation pearls, necklaces and similar articles under the trade name "La Tausca." The Commission's complaint charges the respondents with marking containers, display cards, labels, etc., with fictitious prices, tending to deceive buyers into believing that the products were being sold below the customary prices.

No. 2260. Marshall Field & Co., Chicago, Ill. To discontinue representing that their brand "Sunlight", or any other knitting yarn, is moth proof. Representation that any treatment given the yarn is a permanent and continuous preventative against moths or moth damage during the normal life of the yarn, is also prohibited, provided, however, that nothing shall prevent representation that the yarn has been specially treated to prevent moth damage, guaranteeing that such treatment has taken place and offering to replace yarn if damaged by moths.

No. 2118. A cease and desist order, wherein the company has not consented, has been issued against the Cadillac Paint Manufacturing Co., Detroit, prohibiting it from using misleading quality labels, misrepresenting the basic white lead and linseed proportions, use of fictitious company names on guarantees, inaccurate analyses, and imitation of well-known company names.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0838. W. H. Comstock Co., Ltd., Brockville, Ont., and Morristown, N. Y. That it will not represent its product, "Dr. Morse's Indian Root Pills," as a competent treatment for biliousness, sluggish liver and other ailments, and that it will not advertise "Comstock's Dead Shot Worm Pellets" as a sure remedy for worms.

No. 0839. Gland-O-Lac Co., Omaha, Nebr. That it will not advertise that "Gland-O-Lac Enteric Capsules" will remove tape worms from poultry or constitute an effective treatment for tape worms.

No. 0840. Ross Company, 243 W. 17th St., New York City. That it will discontinue labeling an eye-lash treatment as an eye-lash grower. The product is "Winx Eye-Lash Grower."

No. 1314. Albert Bloch & Sons, 36 Walker St., New York City. To cease and desist from the use of the words "French" or "French Process" affixed to products or in advertising so as to imply that the products are of French origin or manufactured according to a French process when this is not the case.

No. 1315. Tower Pharmacy, Inc., Washington, D. C. To discontinue the use of the word "champagne" in connection with its product "Pomagne" in such a way as to deceive buyers into believing that Pomagne is a champagne, to cease using the word vintage in such a manner as to deceive buyers into believing that the product is made from the juice of the grape, and to cease representing the alcoholic strength as "15% Proof."

No. 1316. Dixie Distributing Company, Washington, D. C. Same as preceding stipulation.

No. 1317. Brenner Paper Manufacturing Co., 26 W. 17th St., New York City. To discontinue describing its raised letter process for social announcements and stationery so as to tend to deceive buyers into believing that this material is engraved when this is not the case.

No. 1318. Nathan Lans and Hattie L. Spitzer, trading as Lans, 419 5th Ave., New York City. To stop using the word "Sheffield" in their advertising to represent products not made in Sheffield, England, nor in accordance with the process used in making "Sheffield Silverware" or "Sheffield Plate," when the respondents' products were not of the quality associated with the grade of silverware known to the public under the aforementioned terms.

No. 1319. Loudon Packing Co., and Simpson Products Co., Terre Haute, Ind. To cease using in connection with the sale of their product "Doggie Dinner," the representation that beef or other meat products used in manufacturing the product are U. S. Government inspected, and to stop using the word beef unless the said meat ingredient actually is used.

No. 1320. George H. Silver and Abraham B. Willis, trading as the Green Co., jewelry distributors, 303 Fifth Ave., New York City. To discontinue distributing to their customers advertisements of large and favorably known department stores featuring products offered for sale by those stores so as to imply that the respondents have sold such jewelry to the stores whose advertisements they had appropriated. The co-partners also will refrain using the words "Manufacturers," "factories" and "importers" when they function in none of these capacities.

No. 1321. Ralph Wade, trading as Merchandising Advertising Service, Dallas, Texas, engaged in the sale and distribution of coupons and advertising cards for use by retailers and in their redemption and exchange for cameras and films. To cease implying that he is a distributor for Eastman Kodak Co., when this is not the case, and to desist from stating that the cameras he distributes are given free.

No. 1322. R. E. Leaderbrand, Springfield, Mo., trading as F. B. Products Co. To cease advertising that his "Favorite Brand Regulator" tablets will relieve bearing-down pains, hot flashes, headaches and unstrung nerves, when this is not the case.

No. 1323. James H. Rhodes & Co., 153 W. Austin Ave., Chicago, Ill. To cease using in catalogues and statements that this company controls through use and operation, a tannery, when this is not true. Also to cease the use of "From Fisheries to You" along with the picture of a fleet of boats so as to mislead the public into believing that the company owns the fleet used in fishing for the sponges which it distributes.

No. 1324. Clyde R. Heed, of Belmont, Ohio. To cease using the words "Cured in Rum" or words of equivalent meaning on labels attached to his "Whoop-ee Crooks" stogies, so as no longer to import or imply that the tobacco from which his products are made has been cured in rum or in any way treated with rum, when this is not true. He agrees also, in the sale of "Brokers Special" stogies, to stop employing the words "Wine Dipped," when the tobacco of which they are made has not been treated with wine.

No. 1325. Peroxide Chemical Co., 6300 Etzel Ave., St. Louis. To abandon use of the phrase "West Indian Bay Rum" either alone or in connection with a picture of a tropical scene of a palm-covered island or in any other way so as to tend to deceive buyers into believing the product to be manufactured in the West Indian Islands, when this is not true.

No. 1326. D. T. Ward, Harry Ward and Dwight A. Ward, trading as The Ward Refrigerator & Manufacturing Co., 6501 South Alameda Street, Los Angeles. In the sale of their refrigerators, to desist from use of the words "All-Metal" in describing their products so as not to deceive buyers into believing that they are made in their entirety of metal, when this is not true.

No. 1327. Deran Confectionery Co., 142 Commercial Street, Boston. To give up any scheme, plan or method of sale of its candy products involving the use of a gift enterprise, lottery or scheme of chance whereby an article is given as a prize for or in consideration of the purchase of another article.

No. 1328. Simplex Boiler Stand Co., Inc., 239 Waverly Ave., Brooklyn, manufacturer of plumbing equipment, including tank stands, will no longer designate its products with the phrase "Pat. No. 1081" and will not mark or brand these articles with words or figures which have a tendency to deceive buyers into believing that Simplex Boiler Stand Co., Inc., is the owner of a patent on these products, when such is not the fact.

No. 1329. Leckie Coal Co., Inc., 79 East State Street, Columbus, Ohio, engaged in mining coal in Virginia, West Virginia and Kentucky and in the sale of coal at wholesale, agrees to abandon use of the word "Pocahontas" as a trade name for coal not mined in the district known to geologists, the coal trade and the purchasing public as the Pocahontas Coal District. The company will also cease using the word "Pocahontas" in advertising or in any which may tend to mislead buyers into believing that the coal so referred to is produced in the Pocahontas Coal District, when this is not true.

No. 1330. C. Howard Hunt Pen Co., of 7th & State Streets, Camden, N. J. Agrees to discontinue in the sale of its fountain pens and pen points use of the word and figures "Durigold 14", independently or in connection with other words as a label so as to imply that the pen is gold or is 14-carat gold, when this is not true.

No. 1331. Abraham Nadel and Morris Shimmel, of 31 East 17th Street, New York City, trading as Nadel & Shimmel and engaged in importing toys and novelties and, during 1933, shoe laces made in Japan, agree to abandon use of the word "Mercerized" on labels for such shoe laces when they have not been treated with such process.

No. 1332. Saks & Company, Inc., a New York department store. To cease using the word "Panama" to represent a hat not made from the leaves of the Paja Toquilla or Jipi Japa and not made in accordance with the process used in the manufacture of Panama hats. The hat had been advertised as "an imported Papier Panama in an interesting pique weave", and as "hand-woven white Formosa Toyo Panamas".

No. 1333. Vaughan Packing Co., Inc., 1714 Locust Street, Kansas City, Mo., manufacturer of a dog and cat food. To discontinue using the word "Packing" as a part of its corporate or trade name or in any way which would tend to mislead buyers into believing that it is a packer subject to the provisions of the Packers and Stockyards Act of 1921. The company will also give up the use in advertising matter of representations that the beef or other meat ingredients of its product are United States Government inspected, and "beef" will not be used to describe the meat ingredients unless and until they consist of beef properly so-called.

No. 1334. Donald P. Eby, 1044 South Olive Street, Los Angeles, trading as American School of Jiu-Jitsu and conducting a correspondence school with home study courses, agrees to desist from exaggerating and misrepresenting the opportunities for employment of his student graduates and the salaries paid for services of instructors. Eby also will stop asserting that only a small number of scholarships remain unsold or are available for purchase by would-be students, when this is not true, and representing that Ed. "Strangler" Lewis, Jim Browning, or other well-known wrestlers are employed by his school, when this is not true. He will cease representing, in connection with a pictorial advertisement, that he owns, controls or operates a gymnasium in connection with this course.

No. 1335. Balsam Shoe Co., 116 Duane Street, New York City, has agreed to discontinue using "Doctor" or "Dr." in connection with a trade name, brand or designation for shoes so as no longer to induce purchasers to believe the shoes so marked are made in accordance with the design or under the supervision of a doctor. Shoes sold by this company were stamped across the sole with the words "Dr. Balsam", when in fact they were not made in accordance with the design or under supervision of a doctor and did not contain special scientific or orthopedic features.

No. 1336. Ellaline Chilvers, 133 Front St., New York City, trading as "W. H. Peake" and "H. G. Root." To stop advertising or using on labels representations tending to make purchasers believe that its products are a cure for epilepsy or possess therapeutic value in the treatment of epilepsy, when this is not the case.

No. 1337. Veldown Co., New York City and Glens Falls, N. Y. To cease using the word "deodorant" or "deodorization" to describe its product when it possesses no such qualities.

No. 1338. Heidleberg Brewing Co., Covington, Ky. To discontinue representing that its "Student Prince" beer is the only beer produced in Greater Cincinnati by the lautering process, when this is not in accordance with the facts.

No. 1339. Montgomery Ward & Co., Chicago. To cease using the word "Neatsfoot" so as no longer to deceive buyers into believing that the products so described are composed entirely of neatsfoot oil, when this is not true.

Complaints

The Federal Trade Commission has alleged unfair competitive practices in complaints issued against the following companies. These companies will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2336. Electric Paint & Varnish Co., Cleveland, Ohio. It is charged that the respondent company represents itself as a manufacturer of paint and that in the sale of its product it saves middleman's profits, when, in fact, it does not own a factory, and its prices are dealers' prices and include elements of costs, profits, and other expenses of middlemen.

No. 2343. Rossett Manufacturing Company, New York City. The respondent company is charged with making representation tending to deceive buyers into believing it to be a manufacturer offering factory prices which permit buyers to save middleman profits, when this is not the case.

No. 2344. Gotham Sales Co. and Universale Merchandise Co., New York City. The respondent is charged with advertising imported cotton shoe laces from Japan as being mercerized when this is not the case.

No. 2345. Emil Pollak, trading as New Art Plating Co., Vardi of London, Inc., and Emil Vardi, trading as Vardi of London, New York City. Charged with fraudulent stamping and hall-marking of modern silverware to imitate the English hall-mark, when in fact the silverware is neither of English manufacture nor of antique origin. Pollak is further charged with refusing to mark his products with the manufacturer's name or with a registered trade mark as required in the silverware industry's code of fair competition.

No. 2346. International Association of Ice Cream Manufacturers, Washington, D. C. Unlawful restraint of competition in the ice cream business by obstructing the business of counter ice-cream freezer operators, is complained of by the Commission.

No. 2347. Mortimer Kaufman, New York City, trading as the Wilshire Woolen Co. The respondent is alleged to have represented suits of clothes as made of "100% virgin wool" and "100% pure wool" or pure worsted, when they were made of a "large admixture of shoddy and reworked wool" and of advertising the suits as made to measure when this was not the case.

TEXT OF DUFFY BILL (S. 2465)

Following is the complete text of the Duffy Copyright Bill:

"To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, is hereby amended by striking out the first five words and inserting in lieu thereof the following: "That the author of any work made the subject of copyright by this Act, or his executors or administrators, or any assignee claiming under a written agreement with him or them the right to copyright such work,".

(b) Subsections (b), (c), and (d) of section 1 of such Act are hereby amended to read as follows:

"(b) To translate the copyrighted work into other languages or dialects, or to make any other version thereof, if it be a literary work; to dramatize it; to make from it a motion picture with or without sound and/or dialogue; to convert it into a novel or other nondramatic work if it be a drama or a motion picture; to arrange or adapt it, if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art or for a work of architecture: *Provided,* That copyright in a work of architecture shall extend only to artistic character and design and not to processes or methods of construction;

"(c) To deliver the copyrighted work in public for profit;

"(d) To perform or represent the copyrighted work publicly if it be a drama, a motion picture, or a choreographic work or pantomime or, if it be a dramatic work or a motion picture and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof, by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever: *Provided,* That the right to produce a motion picture shall include the right to exhibit it;".

(c) Subsection (e) of section 1 of such Act is hereby amended by striking out the last paragraph thereof, by inserting after "(a) hereof", the words "to synchronize it for use in motion pictures", and by amending the first proviso to read as follows: "*Provided,* That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically a musical work shall include only compositions published and copyrighted after July 1, 1909; and such provisions shall not except as respects the works of nationals of countries which are parties to the Convention for the Protection of Literary and Artistic Works, or works first published therein, include the works of a foreign author or composer unless the foreign country of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law to citizens of the United States similar rights: *Provided further,* That such rights granted in accordance with the Convention for the Protection of Literary and Artistic Works shall not apply to works which have been lawfully adapted to mechanical instruments before this subsection, as amended, takes effect nor shall there be any liability under this Act, as amended, for the public performance of said works by means of such mechanical instruments:"

(d) Section 1 of such Act is further amended by adding after subsection (e) the following new subsection:

"(f) To communicate the copyrighted work to the public by radio broadcasting, wired radio, telephony, television, or other means of transmission;".

Sec. 2. The last sentence of section 3 of such Act is hereby amended to read as follows: "The copyright upon composite works or periodicals shall give to the author or other owner of each part or contribution therein all the rights which he would have if such part or contribution were individually copyrighted in his name."

Sec. 3. Section 4 of such Act is hereby amended to read as follows:

"Sec. 4. That the works for which copyright may be secured under this Act shall include all the writings of an author, whatever the mode or form of their expression."

Sec. 4. (a) Subsection (f) of section 5 of such Act is hereby amended to read as follows:

"(f) Maps and geographical charts;".

(b) Subsection (l) of such section, as amended, is hereby amended to read as follows:

"(l) Motion pictures;".

(c) Subsection (m) of such section is hereby amended to read as follows:

"(m) Choreographic works and pantomimes, the scenic arrangement or acting form of which is fixed in writing or otherwise;".

(d) There are hereby inserted after subsection (m), as amended, of such section two new subsections as follows:

"(n) Works of architecture, or models or designs for architectural works;

"(o) Works prepared expressly for radio broadcasting, or for recording by means of electrical or mechanical transcription, including programs and continuities insofar as they embody original work of authorship:".

Sec. 5. Section 7 of such Act is hereby amended to read as follows:

"Sec. 7. No copyright shall subsist in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not effect any abridgment or annulment of the copyright or authorize any use or appropriation of such copyright material without the consent of the copyright proprietor."

Sec. 6. Section 8 of such Act is hereby amended to read as follows:

"Sec. 8. (a) That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign country not a party to the Convention for the Protection of Literary and Artistic Works, only:

> "(1) When such alien author or proprietor shall be domiciled within the United States at the time of the creation or first publication of his work; or
>
> "(2) When the foreign country of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign country is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

"(b) The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

"(c) Authors within the jurisdiction of any foreign country that is now or may hereafter be a party to the Convention for the Protection of Literary and Artistic Works, whether their works are unpublished or published for the first time in one of the countries parties to said convention, shall have all the rights now accorded or which may hereafter be accorded by law to nationals of the United States; and the enjoyment and the exercise of such rights shall not be subject to any formality: *Provided,* That as to copyrights in works not previously copyrighted in the United States no right or remedy given pursuant to this Act shall prejudice lawful acts done or rights in or in connection with copies lawfully made, the making of additional copies, or any other continuance of business undertakings or enterprises lawfully undertaken within the United States prior to the date on which the adherence of the United States to said Convention for the Protection of Literary and Artistic Works becomes effective; and the author or other owner of such copyright or persons claiming under him shall not be entitled to any remedy against any person who has, prior to such date, taken any action in connection with the exploitation, production, reproduction, circulation, or performance (in a manner which at the time was not unlawful) of any such work whereby he has incurred expenditure or liability; nor shall rights in respect of the further use of copies or other forms of reproduction be in any manner impaired."

Sec. 7. Section 9 of such Act is hereby amended to read as follows:

"Sec. 9. That the author or other person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published in the United States by authority of the copyright proprietor."

Sec. 8. Section 10 of such Act is hereby amended by adding the following: "Registration of composite works or periodicals by the proprietor thereof shall inure also to the benefit of the author or other owner of each independent part or contribution therein to the same extent as though such part or contribution were separately registered."

Sec. 9. Section 11 of such Act is hereby amended to read as follows:

"Sec. 11. That copyright may also be had of any work of an author which has not been published, upon the deposit, with claim of copyright, of one complete copy of such work if it be a book, monograph, essay, article, story, poem, lecture, or similar production, a map, a dramatic, musical, or dramatico-musical composition, a choreographic work or pantomime, or a work prepared expressly for radio broadcasting or electrical or mechanical recording; of a title and description, with not less than five prints taken from different sections of the film, if the work be a motion picture; of a photographic print, if the work be a photograph; of a description and drawings or plans sufficient to identify the work, if it be a work of architecture; and of a photograph or other identifying reproduction thereof, if it be a work of art, a plastic work or drawing, or a model or design for an architectural work. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, in so far as required under sections 12 and 13 of this Act, where the work is later published."

SEC. 10. Section 12 of such Act is hereby amended by striking out the words "reproduced in copies for sale" and inserting in lieu thereof the word "published" and by amending the last sentence to read as follows: "With the exception of actions or proceedings for infringement of works entitled to copyright without formality, no action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with."

SEC. 11. The proviso of section 15 of such Act, as amended, is hereby amended to read as follows: *"Provided, however,* That said requirements shall not apply to (1) works printed or produced in the United States by any other process than those above specified in this section; (2) works in raised characters for the use of the blind; (3) books or periodicals of foreign origin in a language or languages other than English; (4) works by nationals of the United States copies of which are distributed only in foreign countries; or (5) works in any language, by foreign authors, first published in a foreign country party to the Convention for the Protection of Literary and Artistic Works."

SEC. 12. (a) Section 18 of such Act is hereby amended to read as follows:

"SEC. 18. That the notice of copyright required by this Act, as amended, shall consist of (1) the word 'copyright', or the abbreviation 'copr.', or the letter 'C' enclosed within a circle; (2) the name of the copyright owner, or his initials, monogram, mark, or symbol, provided his name appears in reasonable proximity thereto; (3) the year when the copyright began. In the case of any work in book form, the notice shall be placed upon the title page, or the page immediately following. In the case of a newspaper, magazine, or periodical, such notice may also be placed in the editorial and publishing statement or table of contents: *Provided,* That one notice of copyright in each volume or in each number of a newspaper, magazine, or periodical published shall suffice: *Provided further,* That the notice of copyright in a newspaper, magazine, periodical, or other composite work shall be deemed sufficient to constitute due notice of copyright on behalf of each individual author entitled to copyright in any of the individual parts or contributions therein, notwithstanding any variance between the date in such notice and the date when copyright in any such part or contribution began: *Provided further,* That in the case of anonymous or pseudonymous works a notice with the name of the publisher shall be sufficient to protect the author or other owner of the copyright."

(b) Section 19 of such Act is hereby repealed.

SEC. 13. Section 20 of such Act is hereby amended to read as follows:

"SEC. 20. That where the author or other owner of a copyright has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice, or any error as to the name of the copyright owner or the date of copyright or the position of the notice, shall not invalidate the copyright or deprive the author or other owner thereof of any of his rights under this Act, or, except as otherwise provided in this Act, as amended, prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of or error in the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright owner shall reimburse to the innocent infringer his reasonable outlay innocently incurred, or such proportion thereof, as the court, in its discretion, shall direct."

SEC. 14. Sections 21 and 22 of such Act are hereby repealed.

SEC. 15. Section 23 of such Act is hereby amended to read as follows:

"SEC. 23. That the term for which copyright is secured by this Act shall endure for fifty-six years from the date of first publication; or, in case of unpublished works, from the date of the creation of the work as shown in the records of the Copyright Office and as indicated by the copyright notice affixed to such work if and when published, or, in the absence of such notice and record, as otherwise proved; at the expiration of which time it shall terminate: *Provided,* That for works registered under section 11 of this Act prior to the date when this section, as amended, takes effect, the copyright shall endure for fifty-six years from the date of deposit of the copy or other material specified in said section 11: *Provided further,* That (1) the term shall not in any case exceed fifty-six years; (2) the term shall not, except as to works copyrighted in the United States at the time when this Act, as amended, takes effect, exceed the term granted in the country of origin of the work; and (3) no copyright shall subsist in any work which is in the public domain because of the expiration of the term of protection in the United States, or, if it has not been copyrighted in the United States, because of the expiration of the term of protection in the country of origin: *And provided further,* That the works of any author entitled to copyright without formality under section 8 of this Act, as amended, may be registered in the Copyright Office upon the filing of a suitable application, under rules of the Register of Copyrights, stating the date of publication or creation of the work and upon deposit of one copy of the work if published, or of suitable identifying material if unpublished, and the payment of the fee specified in section 61, as amended."

SEC. 16. Section 24 of such Act is hereby amended to read as follows:

"SEC. 24. That the copyright subsisting in any work, either in its first term or its renewed term, when this section, as amended, takes effect, shall be extended until the expiration of fifty-six years from the date of the original copyright in the work.

"When the term of subsisting copyright in any work shall have been extended by the provisions of this section, as amended, copyright for the period of such extension shall vest in the person or persons who would have been entitled to such copyright for such extended term under the law in force prior to the date on which this section, as amended, takes effect; but the author or, if the author be not living, the person who would have been entitled to the renewal term under prior law, shall be entitled to the extended term under this section, as amended, at the end of twenty-eight years from the date when the copyright began: *Provided,* That in the case of a contribution to a periodical, or of any part of a composite work, the right of the author or other person entitled to the extended term shall not be affected by the ownership of copyright in such periodical or composite work."

SEC. 17. Section 25 of such Act is hereby amended to read as follows:

"SEC. 25. (a) That if any person shall infringe the copyright in any work protected under the copyright laws of the United States, such person shall, subject to the stipulations of this section, be liable:

"(1) To an injunction restraining such infringement except as otherwise provided in this Act: *Provided however,* That no temporary restraining order shall be issued which would prevent the broadcasting of a program by radio or television, the publication of a newspaper, magazine or periodical, or the production substantially commenced or the distribution or exhibition of a motion picture: *Provided further,* That in case of reproduction of a copyrighted photograph in a newspaper, magazine, periodical, or newsreel, no injunction shall issue: *Provided further,* That no injunction shall issue restraining the construction, substantially begun, or use, of an architectural work, nor shall any order for its demolition or seizure be granted;

"(2) To pay such damages to the owner of the right infringed as he may have suffered due to the infringement, as well as all or such part of the profits which the infringer shall have made from such infringement as the court may decree to be just and proper; and in proving profits the plaintiff shall be required to prove only sales, rentals, license fees, or any other revenue derived from any disposition of an infringing work, and the defendant shall be required to prove every element of cost which he claims;

"(3) To pay in lieu of the proven damages and profits provided for in the foregoing paragraph (2), such damages, not exceeding $20,000 for all infringement by any one infringer up to the date of judgment, as shall, in the opinion of the court be sufficient to prevent their operation as a license to infringe, and as shall be just, proper, and adequate, in view of the circumstances of the case. An unauthorized performance by radio broadcasting transmitted simultaneously by two or more connected stations shall be regarded as the act of one infringer.

"(b) In any action for infringement of copyright in any work covered by the provisions of this Act, the plaintiff must prove that at the time of alleged infringement the copyright work had been registered with the Register of Copyrights and, in case of a published work, that notice of copyright had been affixed to copies thereof circulated in the United States, or to the newspaper or periodical containing the same, before he is entitled to any remedy other than an injunction or the fair and reasonable value of a license, in a sum not more than $1,000, as determined by the court.

"(c) In any action for infringement of copyright in any work, if defendant prove that he has been misled by fraud or substantial imposition by any third person or persons other than any one of said defendant's employees, or that such defendant has otherwise acted in good faith, the plaintiff shall not be entitled to any remedy against such defendant other than to recover for all infringements by such defendant up to date of judgment, an amount equivalent to the fair and reasonable value of a license: *Provided, however,* That this subsection shall not apply (1) in the event of registration of copyright or recordation of an instrument relating to or affecting the same or any right therein, prior to the time such defendant entered into or upon the undertaking which results in such infringement; or (2) if the work alleged to have been infringed be a published work, published with authority from the copyright owner, with notice of copyright affixed thereto.

"(d) In case of the infringement of copyright in any work by any person or corporation engaged solely in printing, binding, or manufacturing such work in printed form (the word 'printing' as used in this section is defined to include photo-engraving, electrotyping, stereotyping, photogravure, gravure lithographing, or other processes used in the reproductive manufacture of such works in printed form, as well as all forms and methods of printing), where such infringer shall show that he was not aware that he was infringing and that he was acting in good faith, and that such infringement could not have been reasonably foreseen, the person aggrieved shall be entitled only to an injunction against future printing, binding, and manufacturing the same in printed form, and to the delivery up of all such printed, bound, and manufactured material, and shall not be entitled to any profit made by such infringer from his contract or employment to print, bind, or manufacture in printed form, or to damages, actual or statutory, against such infringer: *Provided,* That in case such printer is also the publisher, distributor, or seller of such creation, or in partnership or regularly engaged in business with such publisher, distributor, or seller, or is in anywise directly or indirectly interested in the publication, distribution, sale, or exploitation of such creation (other than as derived solely from his contract or employment merely to print, bind, or manufacture the same in printed form) or in any profits to be derived from such publication, distribution, sale, or exploitation, then the person aggrieved shall be entitled to all the remedies provided by this Act, and the immunity granted by this subsection shall not apply: *Provided further,* That any injunction against the publisher of a newspaper, magazine, or periodical shall lie only against a continuation or repetition of such infringement in future issues thereof, but not against the completion of the publication and distribution of any issue where the work of manufacture of such issue has commenced or against the completion in future issues of a work in installments; nor, where such work of manufacture has commenced, shall any order be granted to sequester, impound, or otherwise dispose of the issue containing such infringing matter.

"(e) In the event that advertising matter of any kind carried by a newspaper, magazine, or periodical, or broadcast by radio, shall infringe any copyright work, where the publisher of the newspaper, magazine, or periodical, or the broadcaster, shall show that he was not aware that he was infringing and that such infringement could not reasonably have been foreseen, the person aggrieved shall be entitled to an injunction only before work of manufacture of the issue has commenced, or, in the case of broadcasting, before the rehearsal of the program has begun, and only against a continuation or repetition of such infringement in future issues of such newspaper, magazine, or periodical, or in future broadcasts; but shall not be entitled to any profit made by such publisher or broadcaster from his contract or employment to carry such advertising matter, nor to damages, actual or statutory, against him: *Provided, however,* That no injunction shall lie against the completion of the publication and distribution of any issue of such newspaper, magazine, or periodical, or the broadcast of any radio program, containing alleged infringing matter where the work of manufacture of such issue has commenced, or, in the case of broadcasts, where rehearsals have begun: *Provided further,* That this clause shall in nowise limit the remedies of the person aggrieved against the advertiser, advertising agency, or the person or corporation responsible for the infringement: *Provided further,* That if the publisher of the newspaper, magazine, or periodical, or the broadcaster, is in anywise interested in the commodity or subject matter advertised, or is the advertiser or advertising agency, in such wise that the publisher is entitled to any profits or benefits from the sale of the subject matter advertised, or from the handling or placing of such advertising matter (other than profits derived by the publisher or broadcaster merely from his contract or employment to run such advertising matter in his newspaper, magazine, or periodical, or to broadcast such advertising matter), then the immunity granted by this paragraph shall not apply.

"(f) In any action against publishers, distributors, or sellers of periodicals, magazines, or newspapers for infringement of copyright, the plaintiff shall not be entitled to enjoin the alleged infringement as to any matter claimed to infringe such copyright when any part of such material has theretofore been included in any issue of such periodicals, magazines, or newspapers upon which the work of manufacture has actually begun, or to sequester, impound, or destroy any issue containing such alleged infringing matter, or the means for publishing such issue except upon proof to the satisfaction of the court that the manufacture of the issue containing such alleged infringing matter or the first installment thereof was commenced with actual knowledge that copyright subsisted in the work alleged to have been infringed.

"(g) Except in the case of an infringement by a publisher of a newspaper, magazine, or periodical, or by a broadcaster, or motion-picture producer or distributor, who has acted in good faith, and except as otherwise provided in this Act, the infringer shall further be liable:

> "(1) To deliver up, on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;
>
> "(2) To deliver up, on oath, for such disposition as the court may order, all the infringing copies, records, rolls, and other contrivances or devices, as well as all plates, molds, matrices, or other means for making such infringing copies.

"(h) Whenever the owner of the copyright in a musical composition has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e) of this Act: *Provided,* That whenever any person in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the provisions of section 1, subsection (e) of this Act, as amended, he shall serve notice of such intention by registered mail upon the copyright proprietor at his last address disclosed by the records of the Copyright Office, sending to the Copyright Office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"(i) There shall be no liability, civil or criminal, under this Act, on the part of any person for the following:

> "(1) The performance of a copyrighted musical work by a recognized charitable, religious, fraternal, agricultural, or educational organization where the entire proceeds thereof, after deducting the reasonable cost of presenting the same, are devoted exclusively to charitable, religious, or educational purposes;

"(2) The reception of any copyrighted work by the use of a radio receiving set, wired radio, or other receiving, reproducing, or distributing apparatus, or the performance other than by broadcasting of any copyrighted work by a coin-operated machine or machine mechanically or electrically operated, or its reproduction by means of a disk, record, perforated roll, or film, manufactured by or with the consent of the copyright owner or anyone claiming under him, except where admission fees, other than for the ordinary occupation by a guest of a hotel or lodging-house room, are charged to the place of operation or, in the case of restaurants, cover charges distinct from the charges for food, or other minimum charges, are made;

"(3) The fair use of quotations from copyrighted matter, provided due credit is given;

"(4) The reproduction, manufacture, distribution, and sale of designs or patterns for wearing apparel or pictorial or other representations or illustrations of such designs, patterns, and wearing apparel;

"(5) The merely incidental and not reasonably avoidable inclusion of a copyrighted work in a motion picture or broadcast depicting or relating current events.

"(j) Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

Sec. 18. The proviso of section 28 of such Act is hereby repealed.

Sec. 19. Section 30 of such Act is hereby amended to read as follows:

"Sec. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright therein in the United States, or of any piratical copies of any work copyrighted in the United States, as well as adaptations of musical compositions to instruments serving to reproduce them electrically or mechanically, if they would be unlawful in the United States, is prohibited."

Sec. 20. (a) The first paragraph of section 31 of such Act is hereby amended to read as follows:

"Sec. 31. That during the existence of copyright under this Act in any book in the English language, when an edition thereof shall have been produced, or shall be in process of production, in accordance with the provisions of section 15 of this Act, as amended, irrespective of whether compliance with those provisions was essential to obtain copyright for the work under this Act, the importation into the United States of any copies of such book not so produced (although authorized by the author or proprietor) or any plates of the same not made from type set within the limits of the United States shall be and is hereby prohibited: *Provided, however,* That such prohibition shall not apply:".

(b) Subsection (d) of such section is hereby amended by striking out the semicolon at the end of the paragraph marked "First" and inserting in lieu thereof a comma and the following: "except that said author may import not more than five copies, for individual use and not for sale;".

Sec. 21. Section 34 of such Act is hereby amended to read as follows:

"Sec. 34. (a) That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the District Courts of the United States, any territory thereof, Alaska, Hawaii, Canal Zone, and Puerto Rico, the Supreme Court of the District of Columbia, and the courts of first instance of the Philippine Islands.

"(b) Orders, judgments, or decrees of any court having jurisdiction arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent provided by law for the review of cases determined in said court. On such appeal, the appellate court shall have jurisdiction to reverse, modify, or affirm the proceedings in the court below, including the amount and nature of any recovery or award under section 25 of this Act, as amended."

Sec. 22. Section 39 of such Act is hereby amended by inserting after the word "no" the words "civil or".

Sec. 23. Section 41 of such Act is hereby amended to read as follows:

"Sec. 41. (a) That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

"(b) Independently of the copyright in any work secured under this Act, as amended, and even after assignment thereof, the author retains the right to claim the authorship of the work as well as the right to object to every deformation, mutilation, or other modification of the said work which may be prejudicial to his honor or to his reputation: *Provided however,* That nothing in this paragraph shall limit or otherwise affect the right of full freedom of contract between the author of a work and an assignee or licensee thereof, or invalidate any express waiver or release by the author of any such rights or of any remedies or relief to which he might be entitled in consequence of a violation thereof, and the assignee or licensee of the author's moral right may, with the author's permission, make any change in the work which the author himself would have had a right to make prior to such assignment.

"In the absence of special contract, or notice by the author at the time he consented to the use of his work, the necessary editing, arranging, or adaptation of such work for publication in book form or for use in a newspaper, magazine, or periodical, in broadcasting, in motion pictures, or in mechanical or electrical reproduction, in accordance with customary standards and reasonable requirements, shall not be deemed to contravene the right of authors reserved in this section."

Sec. 24. Section 42 of such Act is hereby amended to read as follows:

"Sec. 42. That the author or other owner of any copyright secured under this Act as amended, or of any copyright heretofore secured under any previous Act, may to the extent of his interest therein, by written instrument signed by him or his duly authorized agent, executed after this Act, as amended, takes effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and may bequeath the same by will. But no assignment, mortgage, license, or other disposition of said copyright, or any right or rights comprised therein shall be vaild except as between the parties thereto, unless it is in writing signed by the owner of the right in respect of which such instrument is made, or (except in the case of a will) by his duly authorized agent. The author or other owner of any copyright or any person or persons deriving any right, title, or interest from any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and, to the extent of his right, title, and interest, is entitled to the remedies provided by this Act, as amended. The provisions of existing law as to the acknowledgment of assignments and recording them in the Copyright Office are applicable to the instruments referred to in this paragraph.

"In the absence of any agreement to the contrary, license to publish a work in book form, or in a newspaper, magazine, or periodical, shall not be deemed to convey any other right than the right of publication as a book, or in a newspaper, magazine, or periodical, respectively; nor shall license for any use of a work be deemed to convey a right to use it in any other manner."

Sec. 25. Section 54 of such Act is hereby amended by striking out the period at the end of such section and inserting in lieu thereof a colon and the following: *"Provided,* That any incorrect entry may be corrected by the filing of a new and correct application accompanied by the required copy, or identifying material, and the fee as in the case of an original entry. The application for such corrected entry shall also be accompanied by an affidavit sworn to by the owner of the copyright setting forth the facts upon which the request for the new entry is based. In case of a dispute as to the ownership of copyright, the Supreme Court of the District of Columbia may, upon due cause shown, order the cancellation or correction of any entry. No liability shall be incurred, however, on the part of any person who, in reliance upon an erroneous entry, shall have printed, performed, or otherwise used the copyrighted work contrary to the rights of the actual owner."

Sec. 26. Section 60 of such Act is hereby amended by inserting after the words "to be destroyed" the words "or returned to the copyright owner:".

Sec. 27. Section 61 of such Act is hereby amended by striking out the following: "For recording the renewal of copyright provided for in sections twenty-three and twenty-four, $1."

Sec. 28. Section 62 of such Act is hereby amended to read as follows:

"Sec. 62. (a) That in the interpretation and construction of this Act 'the date of publication' shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed or made available for renting or licensing, by the proprietor of the copyright or under his authority.

"(b) In the absence of agreement to the contrary, where any work is created by an employee within the scope of his employment, his employer shall be regarded as the assignee, even without a written assignment, and shall be the owner of the copyright in such work; but this provision shall not apply to works created under special commission where there is no relation of employer and employee, unless the parties agree otherwise."

Sec. 29. That nothing in this Act shall be construed as in contravention of any obligation of the United States existing by virtue of any treaty to which the United States is a party.

Sec. 30. That the President is hereby authorized and requested to take all steps and perform all acts necessary to make the United States a member of the Union for the Protection of Literary and Artistic Works.

Sec. 31. That this Act shall take effect on August 1, 1935, except as to section 30, which shall take effect on the date of enactment of this Act. All acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Quota Facilities Due and Assigned to Broadcast Stations as of March 26, 1935

First Zone—Night

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Conn.	2.13	1.90	— 0.23	—11
Del.	0.32	0.20	— 0.12	—38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	—10
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.33	— 0.29	—47
N. J.	5.36	4.105	— 1.255	—23
N. Y.	16.69	18.13	+ 1.44	+ 9
R. I.	0.91	0.80	— 0.11	—12
Vt.	0.48	0.06	— 0.42	—88
Total	36.00	34.225	— 1.775	— 5

First Zone—Day

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Conn.	3.85	3.34	— 0.51	—13
Del.	0.57	0.33	— 0.24	—42
D. C.	1.16	1.00	— 0.16	—14
Maine	1.91	1.42	— 0.49	—26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	6.75	— 3.42	—34
N. H.	1.11	0.80	— 0.31	—28
N. J.	9.67	5.055	— 4.615	—48
N. Y.	30.14	20.56	— 0.58	—32
R. I.	1.65	0.80	— 0.85	—52
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	45.015	—19.985	—31

Second Zone—Night

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Ky.	3.38	3.95	+ 0.57	+17
Mich.	6.25	5.05	— 1.20	—19
Ohio	8.58	9.88	+ 1.30	+15
Pa.	12.43	12.42	— 0.01	— 0
Va.	3.13	4.75	+ 1.62	+52
W. Va.	2.23	1.93	— 0.30	—13
Total	36.00	37.98	+ 1.98	+ 6

Second Zone—Day

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Ky.	6.10	4.25	— 1.85	—30
Mich.	11.28	6.27	— 5.01	—44
Ohio	15.50	12.06	— 3.44	—22
Pa.	22.45	14.75	— 7.70	—34
Va.	5.64	6.34	+ 0.70	+12
W. Va.	4.03	3.95	— 0.08	— 2
Total	65.00	47.62	—17.38	—27

Third Zone—Night

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Ala.	3.32	2.735	— 0.585	—18
Ark.	2.32	2.67	+ 0.35	+15
Fla.	1.84	3.65	+ 1.81	+98
Ga.	3.64	4.26	+ 0.62	+17
La.	2.63	5.40	+ 2.77	+105
Miss.	2.52	0.99	— 1.53	—61
N. Car.	3.97	4.19	+ 0.22	+ 6
Okla.	3.00	3.36	+ 0.36	+12
S. Car.	2.18	1.30	— 0.88	—40
Tenn.	3.28	6.05	+ 2.77	+84
Texas	7.30	11.29	+ 3.99	+55
Total	36.00	45.895	+ 9.895	+27

Third Zone—Day

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Ala.	5.99	4.785	— 1.205	—20
Ark.	4.19	4.75	+ 0.56	+13
Fla.	3.32	4.85	+ 1.53	+46
Ga.	6.58	5.10	— 1.48	—22
La.	4.75	5.60	+ 0.85	+18
Miss.	4.55	2.11	— 2.44	—54
N. Car.	7.17	4.85	— 2.32	—32
Okla.	5.42	4.90	— 0.52	—10
S. Car.	3.93	2.70	— 1.23	—31
Tenn.	5.92	7.55	+ 1.63	+28
Texas	13.18	13.81	+ 0.63	+ 5
Total	65.00	61.005	— 3.995	— 6

Fourth Zone—Night

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Ill.	10.14	11.05	+ 0.91	+ 9
Ind.	4.30	3.42	— 0.88	—20
Iowa	3.28	5.22	+ 1.94	+59
Kans.	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+23
Mo.	4.82	5.04	+ 0.22	+ 5
Nebr.	1.83	2.21	+ 0.38	+21
N. Dak.	0.90	1.40	+ 0.50	+56
S. Dak.	0.92	0.85	— 0.06	— 7
Wisc.	3.90	3.05	— 0.85	—22
Total	36.00	38.92	+ 2.92	+ 8

Fourth Zone—Day

State	*Due*	*Assign.*	*Units Over or Under*	*Percentage Over or Under*
Ill.	18.30	15.83	— 2.47	—13
Ind.	7.77	5.62	— 2.15	—28
Iowa	5.93	7.86	+ 1.93	+33
Kans.	4.51	3.76	— 0.75	—17
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	8.99	+ 0.29	+ 3
Nebr.	3.30	6.02	+ 2.72	+82
N. Dak.	1.63	2.20	+ 0.57	+35
S. Dak.	1.66	2.13	+ 0.47	+28
Wisc.	7.05	5.86	— 1.19	—17
Total	65.00	64.04	— 0.96	— 1

Fifth Zone—Night

State	Due	Assign.	*Units Over or Under*	*Percentage Over or Under*
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	18.82	+ 1.64	+10
Colo.	3.13	4.61	+ 1.48	+47
Idaho	1.35	1.50	+ 0.15	+11
Mont.	1.63	2.15	+ 0.52	+32
Nev.	0.27	0.33	+ 0.06	+22
N. Mex.	1.28	1.13	— 0.15	—12
Oreg.	2.89	4.04	+ 1.15	+40
Utah	1.54	3.30	+ 1.75	+114
Wash.	4.73	7.28	+ 2.55	+54
Wyo.	0.68	0.40	— 0.28	—41
Total	36.00	44.93	+ 8.93	+25

Fifth Zone—Day

State	Due	Assign.	*Units Over or Under*	*Percentage Over or Under*
Ariz.	2.38	1.79	— 0.59	—25
Calif.	31.02	22.52	— 8.50	—27
Colo.	5.66	5.15	— 0.51	— 9
Idaho	2.43	2.05	— 0.38	—16
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.47	— 0.02	— 4
N. Mex.	2.31	2.95	+ 0.64	+28
Oreg.	5.21	6.19	+ 0.98	+19
Utah	2.78	3.30	+ 0.52	+19
Wash.	8.54	8.74	+ 0.20	+ 2
Wyo.	1.24	0.40	— 0.84	—68
Total	65.00	56.51	— 8.49	—13

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Alden Park Land Corp., Germantown, Pa. (2-1354, Form E-1)
Texas Gulf Producing Company, Houston, Texas (2-1355, Form A-2)
H. F. Wilcox, Tulsa, Okla. (2-1356, Form A-1)
Treasure Hill Extension Mines Co., Ely, Nev. (2-1357, Form A-1)
Marlin-Rockwell Corp., Jamestown, N. Y. (2-1358, Form E-1)
Northern Illinois Finance Corp., De Kalb, Ill. (2-1359, Form A-2)
Managed Oil Royalties, Inc., Jersey City, N. J. (2-1360, Form A-1)
All-Penn Oil & Gas Co., Pittsburgh, Pa. (2-1361, Form A-1)
Empire Mines & Metals Co., Albuquerque, N. M. (2-1362, Form A-1)
National Gypsum Company, Buffalo, N. Y. (2-1363, Form A-1)
Union Bag & Paper Corporation, New York City (2-1365, Form A-2)
Tivoli Brewing Company, Detroit, Mich. (2-1366, Form A-1)
Affiliated Fund, Inc., Jersey City, N. J. (2-1367, Form A-1)
Midcontinent Carey Trust, Tulsa, Okla. (2-1370, Form A-1)
General Capital Corporation (2-1350, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 15, 1935

NEW—Evansville on the Air, Inc., Evansville, Ind.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—L. M. Kennett, Indianapolis, Ind.—C. P., **600 kc.**, 1 KW, daytime.

NEW—Nashville Broadcasting Corp., Nashville, Tenn.—C. P., **1370 kc.**, 100 watts, unlimited time.

WKAR—Michigan State College, East Lansing, Mich.—Modification of license, **950 kc.**, 500 watts, 1 KW, LS, daily except Saturday and Sunday, 10:58 a. m. to 3.30 p. m., and 6 p. m. to 8 p. m.; Saturday, 10:58 a. m. to 3:30 p. m. Present assignment: **1040 kc.**, 1 KW, specified hours daytime.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire & Vulcanizing Co., Nashville, Tenn.—C. P., **1370 kc.**, 100 watts, unlimited time.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license, **1400 kc.**, 1 KW, unlimited time. Present assignment: **1400 kc.**, 250 watts, 500 watts, LS, unlimited time.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license, **1400 kc.**, 1 KW, unlimited time. Present assignment: **1400 kc.**, 500 watts, 1 KW, unlimited time.

APPLICATIONS GRANTED

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special experimental authority to operate with additional power of 500 watts nighttime, for period of 90 days.

NEW—National Broadcasting Co., Portable-Mobile—Granted C. P. for new portable station (special experimental service), frequency, **13050 kc.**, 10 watts.

W2XHI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. to extend commencement date to May 27, 1935, and completion date to October 27, 1935.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted modification of C. P. extending completion date to July 1, 1935.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted license to cover C. P.; frequency, **580 kc.**, 1 KW night, 5 KW day, sharing with KSAC.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted modification of license to change hours of operation from specified to unlimited frequency **1200 kc.**, 100 watts night, 250 watts day.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted modified license for regular period frequency **1400 kc.**, 500 watts night and day, unlimited time.

WPHR—WLBG, Inc., Petersburgh, Va.—Granted consent to transfer control of WLBG, Inc., licensee of WPHR to J. Sanford Edge, by sale to him of majority of stock; frequency **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

SET FOR HEARING

WDEL—WDEL, Inc., Wilmington, Del.—Application for C. P. to install new equipment, increase power from 250 watts night, 500 watts LS, to 500 watts night, 1 KW, LS.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Application for C. P. to move transmitter from Sprague Ave. and Post St., Spokane, to a site to be determined, and increase power to 5 KW. (To be heard by the Division en banc.)

KRKO—Lee E. Mudgett, Everett, Wash.—Application for voluntary assignment of license to Pioneer Broadcasters, Inc.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for C. P. to make change in equipment; increase day power to 250 watts; change hours of operation to unlimited. (Requests facilities of KCRC.)

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Application for modification of license to change frequency to **630 kc.**

WEEI—Edison Electric Illuminating Co. of Boston, Boston, Mass.—C. P. (already in hearing docket) amended to request use of directional antenna. Request increase in power from 1 KW to 5 KW.

WATR—The WATR Company, Inc., Waterbury, Conn.—Application for modification of license (already in hearing docket) amended so as to request change in hours of operation from unlimited to limited, local sunset at San Antonio, Tex.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Application for C. P. to make change in transmitter location—site to be determined; change in type of equipment increase power to 5 KW daytime.

NEW—"Radio Chapel of the Air," Rev. Robert Connely, President, Minneapolis, Minn.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited time.

NEW—C. D. Goff, Tampa, Fla.—Application for new station to operate on **1500 kc.**, 100 watts, unlimited time.

NEW—Reporter Publishing Co., Inc., Abilene, Tex.—Application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time; transmitter and studio location site to be determined.

NEW—Big Springs Herald, Inc., Big Springs, Tex.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., St. Abilene, Tex.—Application for C. P. for new station to operate on frequency **1420 kc.**, 100 watts, unlimited time.

NEW—The North Texas Publishing Co., A. G. Mayse, President, Paris, Tex.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts daytime operation. Studio location, 34-36 Lamar Ave., Paris, Tex.

KXL—KXL Broadcasters, Portland, Ore.—Application for modification of license to change frequency from **1420** to **780 kc.**; increase power from 250 watts day, 100 watts night, to 250 watts day and night, and hours of operation from sharing KBPS to specified.

WJJD—WJJD, Inc., Chicago, Ill.—Application for C. P. to move station to Des Planes, Ill., 29 miles from present location, Mooseheart, and erect a vertical radiator.

ACTION ON EXAMINERS' REPORTS

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Oral argument to be heard before Division en banc June 13, 1935, beginning at 10 a. m., 30 minutes allotted to each side—on application for C. P. to change frequency from **1310 kc.** to **800 kc.**, and power from 100 watts night, 250 watts day to 1 KW limited time, to sunset at Dallas, Tex.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Same as above except applicant seeks modification of license requesting change in operating time from daytime, local sunset on **800 kc.**, 250 watts, to local sunset at Dallas, Tex.

NEW—N. D. Smith, Jr., Chattanooga, Tenn.—Denied as in default application for new broadcast station at Chattanooga, as applicant failed to appear at hearing.

MISCELLANEOUS

NEW—Big Springs Broadcasting Co., Big Springs, Tex.—Denied petition to take supplemental depositions in re the hearing on its C. P. application heard by an examiner March 18, 1935.

WWJ—The Evening News Assn., Detroit, Mich.—Continued hearing scheduled for April 18, 1935, in order that applicant can make certain field intensity measurements and other surveys.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Hearing scheduled for April 8, 1935, on application for special authority to use 1 KW night, continued on request of applicant and protestants WCAO, Baltimore, and WICC, Bridgeport, Conn., who have joined WIP in petition asking that all three stations be granted 1 KW power.

NEW—F. N. Pierce, Taylor, Tex.—On motion of Chairman Prall application for new broadcast station remanded to Examiner to take additional testimony.

KFPM—Dave Ablowich, d/b as New Furniture Co., Greenville, Tex.—Surrendered license to operate on **1310 kc.**, 15 watts, specified hours, because of economic conditions.

WSMB—WSMB, Inc., New Orleans, La.—Denied petition requesting Commission to reconsider action in requiring suppression of WSMB's signals towards Des Moines, to amount not to exceed 500 watts.

KGA—Louis Wasmer, Spokane, Wash.—Cancelled special authorization to operate on **900 kc.**, with 1 KW night, 2½ KW day, and ordered back to **1470 kc.**, its regular frequency, to operate with 5 KW; effective 3 a. m., April 8, 1935.

KGNO—Dodge City Broadcasting Co., Dodge City, Kans.—Denied protest against granting by Commission of application of Garden City Broadcasting Co., for C. P. for new station at Garden City, Kans.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Denied stipulation of attorneys for WALR, WHBA, and WSPD, suggesting WSPD be allowed to intervene at hearing of application of WALR to move to Toledo, Ohio, despite former adverse ruling by Commission.

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APPLICATIONS RECEIVED

WKRC—WKRC, Inc., Cincinnati, Ohio—Modification of con-
550 struction permit (2-P-B-3282) to extend commencement and completion dates.

WSVA—Marion K. Gilliam, Staunton, Va.—Modification of con-
550 struction permit (2-P-B-3280) to extend completion date to June 4, 1935.

WSVA—Marion K. Gilliam, Staunton, Va.—Modification of con-
550 struction permit (2-P-B-3280) requesting approval of transmitter site and make equipment changes.

NEW—Alfred Frank and Clarence Bamberger, Salt Lake City,
550 Utah—Construction permit to erect a new broadcast station to be operated on **550 kc.**, 500 watts, unlimited time, studio and transmitter 4th South and Main, Salt Lake City, Utah.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification
560 of (5-P-B-3274) as modified authorizing new equipment, increase power from 1 KW to 1 KW—2½ KW—day, further requesting new equipment, increase power from 1 KW—2½ KW—day to 1 KW—5 KW—day and extend commencement and completion dates. Amended: Omit request for increase of day power to 5 KW.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification
560 of license to increase power from 500 watts to 1 KW day and night.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special
570 experimental authorization to operate on **570 kc.**, 1 KW, unlimited time, period from April 1, 1935, to September 1, 1935, install directional antenna.

WCAO—The Monumental Radio Co., Baltimore, Md.—Modifica-
600 tion of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modifi-
610 cation of license to increase power from 500 watts to 1 KW day and night.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 Modification of construction permit (5-P-B-3200) to extend commencement and completion dates.

NEW—Milton Kaufman and Jonas Weiland, Kinston, N. C.—
620 Construction permit to erect a new broadcast station to be operated on **620 kc.**, 1 KW power, unlimited time. Amended: Re equipment, transmitter site to be determined. Consider under Rule 6.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Construction
660 permit to increase power from 500 watts to 5 KW and make changes in equipment.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—
710 Special experimental authorization to operate on **710 kc.**, 250 watts night, 500 watts day, unlimited time, period ending August 1, 1935.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 Construction permit to move 5 KW transmitter from 131 Market St., Newark, N. J., to Pauline St. and Park Ave., Carteret, N. J., for use as an auxiliary transmitter.

NEW—The Fort Industry Co., Cleveland, Ohio—Construction per-
850 mit for a new broadcast station to be operated on **850 kc.**, 250 watts power, day time.

KUSD—University of South Dakota, Vermillion, S. Dak.—Modifi-
890 cation of license to change hours of operation from S-WILL, KFNF. KUSD and WILL ½ time KFNF ½ time to S-KFNF ⅛ time, KFNF ⅞ time.

KFNF—Henry Field Co., Shenandoah, Iowa—Modification of
890 license to change hours of operation from ½ time, S-WILL and KUSD to S-KUSD, KFNF ⅞ time, KUSD ⅛ time. Part of facilities KUSD.

WJAX—City of Jacksonville, Jacksonville, Fla.—Construction per-
900 mit to install new equipment, increase day power from 1 KW to 5 KW. Amended: Transmitter site to be determined.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modi-
900 fication of construction permit (5-P-B-3199) to extend commencement and completion dates.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construc-
920 tion permit to move transmitter from Live Stock Exchange Bldg., 1001 Exchange Ave., Chicago, Ill., to Union Stock Yards, Chicago, Ill., and studio from Live Stock Exchange Bldg., 1001 Exchange Ave., Chicago, Ill., to Palmer House, State and Monroe Sts., Chicago, Ill., install new equipment and change hours of operation from daytime to unlimited time, using 500 watts power. Amended: change power from 500 watts to 500 watts night, 1 KW day.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Modification
930 of license to change hours of operation from S-KGBZ to unlimited (facilities of KGBZ).

NEW—Edwin A. Kraft, Fairbanks, Alaska—Construction permit
950 to erect a new station to be operated on **950 kc.**, 250 watts, unlimited time.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification
970 of construction permit (4-P-B-2584) as modified to move transmitter, install new equipment, increase power from 1½ KW to 5 KW and hours of operation from limited to unlimited, requesting extension of completion date from May 1, 1935, to June 15, 1935.

NEW—Tom E. Foster and M. E. Terry, d/b as The Kilgore Daily
990 News, Kilgore, Tex.—Construction permit to erect a new broadcast station to be operated on **990 kc.**, 250 watts, daytime, transmitter and studio site to be determined.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—License to cover
1060 construction permit (B4-P-276) to make equipment changes.

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construc-
1100 tion permit authorizing installation of new equipment, move of transmitter and increase of power, requesting changes in equipment. Amended: For approval of transmitter site as Lots 4 and 5, Clarkadota Subdivision No. 3, Stockton, Calif., and extension of commencement date to 30 days after grant and completion date to 90 days thereafter.

KRSC—Radio Sales Corp., Seattle, Wash.—Construction permit
1120 to make equipment changes, increase power from 100 to 250 watts, time from day to unlimited and transmitter site to be determined.

NEW—Clark Standiford, Pasadena, Calif.—Construction permit
1150 to erect a new broadcast station to be operated on **1150 kc.**, 500 watts unlimited time, studio and transmitter, 39 South El Molino Ave., Pasadena, Calif.

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction
1200 permit for a new broadcast station to be operated on **1200 kc.**, 100 watts, daytime. Amended: Transmitter site to be determined.

WAIM—Wilton E. Hall, Anderson, S. C.—License to cover con-
1200 struction permit (B3-P-185) as modified for a new station.

WHBY—WHBY, Inc., Green Bay, Wis.—License to cover con-
1200 struction permit (B4-P-76) to increase day power and make equipment changes.

NEW—W. T. Knight, Jr., Savannah, Ga.—Construction permit to
1200 erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time, studio and transmitter site to be determined in Savannah, Ga.

NEW—David Parmer, Columbus, Ga.—Construction permit to
1200 erect a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—The Hartford Times, Inc., John F. Rolfe, Treasurer, Hart-
1200 ford, Conn.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, 250 watts, day, unlimited time. Amended: To make changes in equipment and change power from 100 watts, 250 watts day, to 100 watts day and night.

NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—Construc-
1200 tion permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—License to
1200 cover construction permit (B2-P-138) to increase power and make equipment changes.

NEW—Alaska Radio and Service Co., Inc., Juneau, Alaska—Con-
1200 struction permit to erect a new broadcast station to be operated on **1220 kc.**, 100 watts, unlimited time. Amended: To request **1200 kc.**, studio and transmitter location.

KGY—KGY, Inc., Olympia, Wash.—Extension of special authoriza-
1210 tion to operate additional hours on Monday, Tuesday, Wednesday, Friday and Saturday from 7 a. m. to 11 p. m.; Thursday, 7 a. m. to 7:30 p. m., no Sunday or holiday except those not used by KTW, to end of next regular license period.

KGY—KGY, Inc., Olympia, Wash.—Modification of license to
1210 change from S. H. to Monday, Tuesday, Wednesday, Friday and Saturday 7 a. m. to 11 p. m., Thursday 7 a. m. to 7:30 p. m.; provided station shall not be operated on Sundays or holidays excepting those on which KTW does not operate.

NEW—Charles C. Theis, Wichita, Kans.—Construction permit for
1210 a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—
1210 Modification of construction permit (B4-P-29) as modified to erect a new station to be operated on **1210 kc.**, 100 watts, unlimited time, requesting approval of studio and transmitter site as Howard St. and 6th Ave., Hibbing, Minn., and extend commencement and completion dates.

WJW—WJW, Inc., Akron, Ohio—Construction permit to make
1210 changes in equipment.

NEW—Robert Kaufman, Inglewood, Calif.—Construction permit
1210 to erect a new broadcast station to be operated on **1210 kc.**, 100 watts specified hours daytime, transmitter and studio sites to be determined, Inglewood, Calif.

WGCM—WGCM, Inc., Mississippi City, Miss.—Modification of
1210 license to change hours of operation from specified hours to unlimited time.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Construction permit
1210 to erect a new broadcast station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Miles J. Hansen, Fresno, Calif.—Construction permit to
1210 erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time, transmitter site to be determined.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modifica-
1210 tion of license to change hours of operation from specified to unlimited. Request facilities KFVS.

KWSC—State College of Washington, Pullman, Wash.—Construc-
1220 tion permit to make changes in equipment and increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day. Amended: Further changes in equipment and transmitter site, to be determined.

WREN—Jenny Wren Company, Lawrence, Kans.—Voluntary as-
1220 signment of construction permit (B4-P-265) to WREN Broadcasting Co.

WREN—Wren Broadcasting Co., Lawrence, Kans.—Modification
1220 of construction permit authorizing installation of new equipment and increase of power from 1 KW to 1 KW, 5 KW day, requesting further changes in equipment.

KGCU—Mandan Radio Asso., Inc., Mandan, N. Dak.—Modifica-
1230 tion of license to change frequency from **1240 kc.** to **1230 kc.**, and hours of operation from specified to unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—
1240 Special experimental authorization to operate on **1240 kc.**, 1 KW, unlimited time, period from April 1, 1935, to September 1, 1935.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modifica-
1240 tion of license to change power from 500 watts, 1 KW LS, to 1 KW.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—
1240 Special experimental authority to make equipment changes, operate on **1240 kc.**, 500 watts night, 1 KW day, unlimited time move transmitter.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special ex-
1250 perimental authorization to make changes in equipment, and change frequency from **1200** to **1250 kc.**, and increase power from 100-250 watts day, to 250-500 watts day. Amended: Change time from unlimited to specified hours. (1 a. m. to 6 a. m.)

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Construction
1260 permit to install new equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modifi-
1290 cation of construction permit (B2-P-148) to increase power from 1 KW-2½ KW to 1 KW-5 KW day.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction
1300 permit to make changes in equipment, change frequency from **1420 to 1300 kc.**, power from 100 watts-250 watts day, to 500 watts day and night.

NEW—Century Broadcasting Co., Inc., Richmond, Va.—Construc-
1300 tion permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—
1310 Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited. Amended: Transmitter site to be determined.

WFDF—Flint Broadcasting Co., Flint, Mich.—License to cover
1310 (B2-P-245) to construct a new station.

NEW—Robert K. Herbst, Moorhead, Minn.—Construction permit
1310 for new broadcast station to be operated on **1310 kc.**, 100 watts power, unlimited time. Amended: Transmitter and studio sites to be determined, Moorhead, Minn.

KFPL—C. C. Baxter, Dublin, Tex.—Construction permit make
1310 equipment changes, increase power from 100 watts to 100 watts night, 250 watts LS. Amended: Transmitter site to be determined, also antenna.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Modifi-
1330 cation of construction permit (B5-MP-93) to extend commencement and completion dates.

NEW—Dean R. Richardson, Watertown, N. Y.—Construction per-
1340 mit to erect a new broadcast station to be operated on **1340 kc.**, 250 watts, unlimited time.

WEED—William Avera Wynne, Rocky Mount, N. C.—Construc-
1350 tion permit equipment change, frequency from **1420 to 1350 kc.**, power from 100 watts to 250 watts, time from unlimited day and S-WEHC night to unlimited.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Authority to install
1350 automatic frequency control.

KFJM—University of North Dakota, Grand Forks, N. Dak.—
1370 Construction permit to change equipment, and frequency from **1370 to 1390 kc.**, increase power from 100 watts to 1 KW-5 KW day.

NEW—Earl E. Rumbaugh, Danville, Ill.—Construction permit to
1370 erect a new broadcast station to be operated on **1370 kc.**, 100 watts, daytime.

NEW—Valley Broadcasting Co., Youngstown, Ohio—Construction
1370 permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, daytime.

NEW—North Side Broadcasting Corp., New Albany, Ind.—Con-
1370 struction permit to erect new broadcast station to be operated on **1370 kc.**, 100 watts 250 watts day, unlimited time.

KONO—Mission Broadcasting Co., San Antonio, Tex.—Construc-
1370 tion permit to change transmitter and studio site to Travis and Soledad Sts.

NEW—Black Hills Broadcast Co., Robert Lee Dean, Executive
1370 President, Rapid City, S. Dak.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Giving transmitter site as City Park, Canyon Lake, Rapid City, S. Dak.

WMFE—William J. Sanders, New Britain, Conn.—Modification of
1380 construction permit to make equipment changes and designate transmitter site and extension of commencement and completion date.

KLO—Interstate Broadcasting Corp., Ogden, Utah—Construction
1400 permit to make equipment changes and increase power from 500 watts to 1 KW.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—
1410 Voluntary assignment of license from National Radio & Broadcasting Corp. to Plains Radio Broadcasting Co.

WHBL—Press Publishing Co., Sheboygan, Wisc.—License to cover
1410 construction permit (B4-P-296) to make equipment changes.

KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig),
1420 San Francisco, Calif.—Modification of license to change hours of operation from specified to unlimited time.

KRLC—H. E. Studebaker, Lewiston, Idaho—License to cover con-
1420 struction permit (5-P-B-3016a) for a new station.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Modification of
1420 construction permit (B4-P-323) to make equipment changes and approval transmitter and studio sites at 101 East Ave. "A."

WMFJ—W. Wright Esch, Daytona Beach, Fla.—License to cover
1420 construction permit (B3-P-145) as modified for new station.

WJMS—WJMS, Inc., Ironwood, Mich.—License to cover construc-
1420 tion permit (B2-P-348) for move of transmitter.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa—Modifica-
1430 tion of construction permit authorizing removal of transmitter, requesting approval of transmitter site and installation of new equipment. Amended: To request transmitter site at 715 Locust St., Des Moines, Iowa.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of
1440 license to change power from 500 watts night, 1 KW day to 1 KW day and night.

NEW—News Broadcasting Co., St. Joseph, Mo.—Construction per-
1500 mit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: re change frequency from **1500 kc. to 1310 kc.**

WMBQ—Paul J. Gollhofer, Brooklyn, N. Y.—Voluntary assign-
1500 ment of license from Paul J. Gollhofer to Metropolitan Broadcasting Corp.

NEW—Clark Standiford, Fresno, Calif.—Construction permit to
1500 erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time, transmitter and studio, 2040 Kern, Fresno, Calif.

NEW—KGBX, Inc., St. Joseph, Mo.—Construction permit to erect
1500 a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: To change name to News Broadcasting Co.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis,
1500 Ill.—Modification of construction permit authorizing erection of a new station to be operated on **1500 kc.**, 100 watts, unlimited, requesting changes in equipment and extension of commencement date to 30 days after grant and completion date to 6 months thereafter.

NEW—Southern Oregon Publishing Co., Roseburg, Oreg.—Con-
1500 struction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: Re change hours of operation to daytime and transmitter site to be determined.

NEW—L. E. Robideaux, Bend, Oreg.—Construction permit to
1500 erect a new broadcast station to be operated on **1500 kc.**, 100 watts-250 watts LS, unlimited time. Amended: To change power to 100 watts, hours of operation to specified, make equipment changes and change transmitter location.

WKBB—Sanders Bros. Radio Station, East Dubuque, Ill.—License
1500 to cover construction permit (4-P-B-3305).

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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NEW MARKET REFERENCE PUBLISHED

A convenient compendium of current market data entitled "Survey of Spending Power" has been published by Sales Management Magazine. The survey contains up-to-date market information for all cities over 10,000 in population and for all counties in the United States.

Data published includes the population of the city and its immediate suburbs; the percentage of total U. S. population represented by the city or county; net retail sales; percentage of total U. S. retail sales represented by the city or county; per capita retail sales; percentage of total U. S. retail sales of food, clothing, automotive products, general merchandise and drugs, represented by the city or county; 1934 spendable income; percentage of total U. S. spendable income represented by the territory, new passenger car sales in 1933 and 1934 and percentage change.

State data includes a variety of additional information designed to afford a comparison of the business opportunities within the various states. Copies can be secured from Sales Management, 220 East 42nd St., New York City, for $1.00.

RECOMMENDATIONS ON BROOKLYN SITUATION

Applications for a number of changes in the Brooklyn, N. Y., broadcasting situation were made to the Federal Communications Commission. Stations WARD and WLTH asked for license renewal and voluntary assignment of license; WBBC asked for license renewal and renewal of auxiliary transmitter license; WVFW, license renewal and voluntary assignment of license; Brooklyn Daily Eagle Company and Arde Bulova and Norman K. Winston, both asked for construction permit for a new station; WEVD, for license modification; and the following asked for license renewal: WHAZ, WFAB, and WBBR.

George H. Hill(e) in Report No. I-40 made the following recommendations:

1. That the applications of United States Broadcasting Corp. (WARD) for construction permit, modification of license, renewal of license, and voluntary assignment of license, be denied.
2. That the applications of Brooklyn Broadcasting Corp. (WBBC) for modification of license, renewal of license and renewal of auxiliary transmitter license, be denied.
3. That the applications of Paramount Broadcasting Corp. (WVFW) for modification of license, renewal of license and voluntary assignment of license, be denied.
4. That the applications of Voice of Brooklyn, Inc. (WLTH), for renewal of license and voluntary assignment of license, be denied.
5. That the application of Debs Memorial Radio Fund, Inc. (WEVD), for modification of license, be denied.
6. That the applications of the Licensees of Stations WHAZ, WFAB, and WBBR, for renewal of licenses, be granted.
7. That the application of Brooklyn Daily Eagle Broadcasting Company, Inc., for construction permit, be granted.
8. That if the application of the Brooklyn Daily Eagle Broadcasting Company, Inc., is granted, then the application of Arde Bulova and Norman K. Winston for a construction permit should be denied, but if the application of Brooklyn Daily Eagle Broadcasting Company, Inc., is denied, the application of Bulova and Winston for a construction permit should be granted.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2157. Duralith Corporation, New York and Chicago. The corporation is prohibited from the use of a fraudulent plan for the sale of plastic paint and wall texture material called "Duralith," involving inducing distributors to enter into contracts and sign trade acceptances in payment for purchase of Duralith by false, fraudulent and misleading representations, and by agreements, assurances and promises which were not kept or performed.

No. 2293. John F. Bolon Cigar Company, Bethesda, O. To cease and desist from using the words "Tampa," "Habana" and "Vuelta Abajo" to describe cigars unless they are made in the Tampa district, or of Havana tobacco or in the Vuelta Abajo district of Cuba, respectively.

Dismissal

No. 2203. The Commission has made public an order dismissing the complaint against the Purity Ice Company, Lakeland, Fla., in which the respondents were charged with violation of certain provisions of the code of fair competition for the ice industry. It was found that the company did not engage in interstate commerce and that its activities did not affect such commerce.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0842. L. J. Piver Co., New York City. Will no longer advertise that its product "Matite" is the only face powder that contains no talcum, orris root, starch or pollen and that powders containing talcum will produce a shine. It will not represent its product as revitalizing the skin.

No. 0843. Major Products Co., New York City. Will desist from advertising that its product "Byron Hot Springs Crystals" is a competent treatment for acidosis, neuritis, rheumatism and other ailments, and that the benefits derived from its use are equal to visiting a spring or drinking natural spring water.

No. 1340. Cardinal Shirt Co., New York City. Will no longer advertise its shirts as "full count fast color broadcloth" or stamp "pre-shrunk" on the neckbands, or use the phrase "Invisible collar stays that prevent the points from curling" when these are not the case.

No. 1341. Jacob Frankel, Medical & Dental Arts Building, Chicago. To discontinue advertising alloys sold to dentists in such a manner as to constitute unfair representations regarding the product.

No. 1342. Gem Electric Manufacturing Co., New York City. To cease using the initials "U. S. A." in branding its products so as to imply that they were manufactured entirely in the United States. It is stipulated that when products were made in part from American materials that the letters "U. S. A." be accompanied by an equally conspicuous statement that parts were not made in this country.

No. 1343. Thomas Import Co., New York City. Similar stipulation as the foregoing.

No. 1344. Porter Safety Seal Co., Chicago. To discontinue the use of "Patented" or "Patent Nos. 719,864-5 & 6" so as to imply that it owns or controls a valid patent when this is not true.

No. 1345. W. R. Murray, Ayrshire, Iowa. To cease representing that his product "The National Pied Piper Rat-Killer" has been recommended by the U. S. Department of Agriculture when this is not true.

No. 1346. William H. Habenstreit and Beatrice L. Miller, Omaha, Nebr. The respondents agree to discontinue using in contracts ambiguous and uncertain language having a capacity to confuse the meaning of the contracts, the said contracts pertaining to the sale of cigar lighters by retailers.

No. 1347. Ashfield-Johnson Corporation, Brooklyn, N. Y. To cease advertising that it is a manufacturer of china bathroom accessories when this is not true.

No. 1348. Adoo Electric Manufacturing Co., Inc., Brooklyn, N. Y. To desist from representing its Christmas tree lighting outfits as composed entirely of American made parts unless this is true.

No. 1349. Dickson Raincoat Co., Inc., Milan, Tenn. To cease representing that its suits are made-to-measure when this is not the case, and to desist from making exaggerated claims concerning profits to agents and solicitors.

No. 1350. Charles Scribner's Sons, New York. To cease selling books, whether imported or not, under substantially different titles from those under which they previously have been published in periodical, newspaper or other form.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These companies have been given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them:

No. 2348. Universal Extract Co., New York City. Alleged that the respondents, though domestic dealers, represented themselves as importers of flavoring extracts. Hearing May 3.

No. 2349. Colombo Extract Co., New York City. Same allegation. Hearing May 3.

No. 2350 Rock-Ola Manufacturing Co., Chicago. Resale price maintenance in the sale of coin amusement machines to jobbers and retailers is alleged.

No. 2351. The Times Sales Co., Chicago Ill. The respondent is alleged to have represented its encyclopedia as sponsored by Time magazine, that the encyclopedia was new and up-to-date and other representations, when this was not the case. Hearing May 10.

No. 2352. Eighteen companies manufacturing fire extinguishing equipment, producing approximately 85 per cent of such equipment in the United States, and the code authority of the said industry are charged with combination and conspiracy to fix and maintain uniform prices and pretended compliance with the code for that industry.

No. 2353. Kelpe'Koe, Inc., Seattle, Wash. It is alleged that the respondent's remedy is of substantial therapeutic value in the treatment of thirty human ailments, when this is not true, and that it is a tonic and builder for children of all ages when this is not true. Hearing May 10.

No. 2354. The Rubber Manufacturers' Association, members of the Mechanical Goods Division of the Association, members and administrative officers of the Master Code Authority for the rubber manufacturing industry and of the Code Authority for the Mechanical Rubber Goods division. Charged with combination to maintain prices and maintaining a boycott by refusing to supply their products to any wholesaler or retailer who failed or refused to quote or to sell at prices as fixed under the alleged agreement.

No. 2355. H. N. Heusner & Son, Hanover, Pa. Charged with labeling cigars as "Havana" when they are not made wholly or in greater part of tobacco grown in Cuba. Hearing May 10.

No. 2356. A. J. Krank, St. Paul and Milwaukee. Unfair practices in the sale of beauty and barber supplies are alleged, including "combination" deals, failure or refusal to file price lists, and inaccurate advertising. The Commission's complaint is based on representations by the National Recovery Administration. Hearing May 17.

No. 2357. Renesol Corporation, New York City. It is alleged that the respondent's product, advertised as a treatment for epilepsy, has for its active ingredient phenobarbital, a coal tar sedative described as a powerful and dangerous hypnotic, whereas no cure or remedy for epilepsy is known to medical science, except in some instances by operation. Hearing May 17.

No. 2358. Blind Weavers, Inc., Chicago. Is charged with deceiving a substantial part of the public into erroneously believing that its rugs are produced in their entirety by the labor of blind people in charitable institutions, thereby diverting trade from producers of truthfully marked rugs who sell their products on their merits rather than on the basis of sympathy for the blind. Hearing May 17.

No. 2359. Best & Co., New York. Allegedly describing as Panama hats products not made of the paja toquilla or jipijapa plant according to the process of making genuine Panama hats. Hearing May 17.

No. 2360. Dixie E. Boyer, Belmont, O. Allegedly advertising certain cigar products as "Hand-made," "Wheeling Twins" and "Perfectos Habanas" when in fact they were not entirely made by hand, and were not made in Wheeling or in Cuba. Hearing May 17.

No. 2361. Leading Perfumers and Chemists, New York. Charged with labeling their products "Fleur de Matin-Cartel" and "L'enchanteur, Poudre de Talc Sweet Pea," thus tending to deceive buyers into believing that its preparations were made in and imported from France when this was not the case. Hearing May 17.

No. 2362. Reliable Sales Co., Chicago. Charged with unfair competition in the sale of radio receiving sets, tables, wine sets, etc., by push card lottery methods and with misrepresenting earnings to prospective salesmen.

ENGINEERING COMMITTEE TO MEET

A joint meeting of the NAB Engineering Committee, the IRE Broadcast Committee and the Engineering Committee of the RMA will be held Wednesday, May 1, at the New Yorker Hotel, New York City.

CHIEF ACCOUNTANT DIES

Arnold C. Hansen, chief accountant of the Federal Communications Commission, died here on Sunday from a heart attack. Mr. Hansen had held executive positions in both the Interstate Commerce Commission and the Bureau of Internal Revenue before joining the Communications Commission comparatively recently.

Mr. Hansen was born in Marstel, Denmark, in 1879 and after coming to the United States studied at both the New York University and George Washington University, this city.

BROADCAST MEASUREMENTS

During the month of March the Federal Communications Commission's engineers made broadcast measurements of 569 stations, with 41 stations not measured including those under construction.

The measurements showed that of this number 378 stations had a maximum deviation within 0-10 cycles; with 133 stations within 11-25 cycles; 53 stations within 26-50 cycles and 5 stations with over 50 cycles deviation.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Canadian American Mining Company, Lovelock, Nev. (2-1371, Form A-1)
The Mar-Tex Oil Company, Baltimore, Md. (2-1372, Form A-1)
W. T. Culver Company (2-1373, Form E-1)
Manley Quebec Gold Mines, Ltd., Toronto, Canada (1-1374, Form A-1)
Texas Centennial Central Exposition, Dallas, Texas (2-1375, Form A-1)
Wakefield Mining Company, Inc., Nogales, Ariz. (2-1376, Form A-1)
Riverview Cumberland Mining Corp., Searchlight, Nev. (2-1377, Form A-1)
F. M. Brown Funeral Homes, Ltd., Amherst, Nova Scotia (2-1378, Form A-1)
Addressograph-Multigraph Corporation, Cleveland, Ohio (2-1379, Form A-1)
Petroleum, Inc., Porterville, Calif. (2-1380, Form A-1)
Elevator Manufacturers' Corp., Red Bank, N. J. (2-1381, Form A-1)
Automatic Signal Acceptance Corp., Dover, Del. (2-1382, Form A-1)
Godhaux Sugars, Inc., New Orleans, La. (2-1383, Form A-1)

OPERATOR WANTED

An NAB member station has need for an operator having a broadcast license, and ability to copy Transradio press on the typewriter. Further information is available at NAB headquarters.

CODE

The Code Authority this week dispatched the following communications relative to proposed programs:

"April 16 1935

"Interstate Aid Association
"75 East Wacker Drive
"Chicago Illinois

"Under date April third we wired you as follows quote our attention drawn to circular letter to radio stations offering fifteen cents for each inquiry received in reply to an announcement concerning thousand dollar life protection certificate stop all per inquiry or percentage business is prohibited by article seven section one paragraph B code of fair competition for radio broadcasting industry stop therefore request you immediately withdraw this proposal otherwise formal notice will be mailed at once stop advise unquote you have remained silent and we are accordingly circularizing radio stations concerning the matter

"James W Baldwin"

"April 17th, 1935.

"Mr. Robert S. Wood,
"Editor Radio Guide,
"731 Plymouth Court,
"Chicago, Illinois.
"Dear Mr. Wood:

"We are in receipt of a letter addressed by you to a radio broadcasting station enclosing a script prepared for broadcasting of news and feature material appearing in the current issue of Radio Guide. It is observed that you offer this exclusive service to one station in each city without any service charge.

"The opening and closing announcements contained in the script at least are of definite commercial value and consequently this arrangement which you offer the stations will subject any station accepting the same to liability for violation of the Free Time provision contained in Article VII, Section 1, Paragraph (b) of the Code of Fair Competition for the Radio Broadcasting Industry.

"Cordially yours,
"Code Authority for the Radio Broadcasting Industry
"James W. Baldwin, Executive Officer."

BROADCASTER GETS REFUND

Guy T. Helvering, Commissioner of Internal Revenue, has announced a refund of $23,038.28 to the Hello World Broadcasting Corporation, Shreveport, La., for overassessment of income tax and interest for the fiscal year ended August 31, 1931.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 22, 1935

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—C. P. **560 kc.**, 1 KW, 5 KW, LS, unlimited time. Present assignment: **560 kc.**, 1 KW, 2½ KW, LS, unlimited time.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Special experimental authority, **560 kc.**, 1 KW, unlimited time. Present assignment: **560 kc.**, 500 watts, unlimited time.

Tuesday, April 23, 1935

KWTO—KGBX, Inc., Springfield, Mo.—C. P., **560 kc.**, 5 KW, daytime.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., **1250 kc.**, 250 watts, 500 watts LS., unlimited time. Present assignment: **1200 kc.**, 100 watts, 250 watts, LS., unlimited time.

NEW—KGBX, Inc., St. Louis, Mo.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—J. L. Scroggin, St. Joseph, Mo.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—E. W. Patrick, Brookfield, Mo.—C. P., **1310 kc.**, 100 watts, unlimited time.

KFRU—KFRU, Inc., Columbia, Mo.—Modification license, **630 kc.**, 500 watts, shares with WGBF, simultaneous day with WGBF. Present assignment: **630 kc.**, 500 watts, shares with WGBF and WOS, simultaneous day with KGBF.

Thursday, April 25, 1935

NEW—KWIL Broadcasting Co. (D. A. Gibbs, Jr., and E. H. Shemorry), Williston, N. Dak.—C. P., **1500 kc.**, 100 watts, specified hours.

NEW—George B. Bairey, Valley City, N. Dak.—C. P., **1310 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

KFPL—C. C. Baxter, Dublin, Tex.—Granted C. P. to make changes in equipment and increase in day power from 100 to 250 watts.

WOC—The Palmer School of Chiropractic, Davenport, Ia.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted modification of C. P. authorizing changes in equipment and approving transmitter site.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to determine operating power by direct measurement of antenna.

WKRC—WKRC, Inc., Cincinnati, O.—Granted modification of C. P. extending commencement date to 4-29-35 and completion date to 7-29-35.

KRLC—H. E. Studebaker, Lewiston, Idaho—Granted license to cover C. P.; frequency **1420 kc.**, 100 watts, unlimited time.

WSVA—Marion K. Gilliam, Harrisonburg, Va.—Granted modification of C. P. approving transmitter site near Harrisonburg and studio location in Harrisonburg; also for changes in equipment.

WSVA—Marion K. Gilliam, Staunton, Va.—Granted modification of C. P. extending completion date to 6-4-35.

WGCM—WGCM, Inc., Mississippi City, Miss.—Granted modification of license to change hours of operation from specified to unlimited.

WTRC—Truth Radio Corp., Elkhart, Ind.—Granted consent to voluntary assignment of license to The Truth Publishing Co., Inc.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day. (Application for special experimental authorization to use 500 watts additional power at night, heretofore designated for hearing, was retired to files.)

NEW—KTAR Broadcasting Co., Portable-Mobile (Phoenix, Ariz.)—Granted C. P. (exp. gen. exp.), frequencies, **31100, 34600, 37600, 40600 kc.**, 10 watts.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted C. P. to make changes in equipment and increase day power to 250 watts.

WPRP—Julio M. Conesa, Ponce, Puerto Rico—Granted modification of C. P. extending completion date from 4-18 to 8-18-35.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted modification of C. P. to make changes in equipment; extend commencement date to 30 days after grant and completion date to 6 months thereafter.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted license to cover C. P., frequency **1200 kc.**, 250 watts day.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted license to cover C. P., frequency **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

KWYO—R. E. Carroll, doing business as Big Horn Broadcasting Co., Sheridan, Wyo.—Granted voluntary assignment of license to Big Horn Broadcasting Co., Inc.

WJAR—The Outlet Co., Providence, R. I.—Granted extension of special experimental authority to use 250 watts additional nighttime power for period April 16 to Sept. 1, 1935.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted extension of special experimental authority to use 500 watts additional night power for period April 1 to Oct. 1, 1935.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted modification of C. P. to make changes in antenna and for approval of transmitter and studio sites.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted modification of C. P. approving transmitter site on U. S. Highway #93, approximately 3¼ miles northwest of Missoula post office.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted C. P. to move transmitter, and to operate unlimited time on frequency **1200 kc.** with 100 watts power employing a temporary antenna system pending completion of construction.

W10XAN—National Broadcasting Co., Portable-Mobile (New York)—Granted C. P. (exp. gen. exp.) for new power amplifier and increase in power from 10 to 40 watts.

RENEWAL OF LICENSES

The following applications for renewal of Relay Broadcasting licenses for experimental service, were granted, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing licenses:

W2XE, near Wayne, N. J.; W9XAA, Chicago, Ill.; W8XAL, near Mason, Ohio; W2XAD, So. Schenectady, N. Y.; W2XAF, So. Schenectady, N. Y.; W3XAL, Bound Brook, N. J.; W9XF, Downer's Grove, Ill.; W3XAU, Newton Square, Pa.; W1XK, Millis, Mass.; W8XK, Saxonburg, Pa.

The following applications for renewal of Visual Broadcasting station licenses for experimental service, were granted, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing licenses:

W2XAB and W2XAX, New York; W6XAO, Los Angeles; W9XAL, Kansas City, Mo.; W1XG, Boston, Mass.; W9XD, Milwaukee, Wis.; W9XAK, Manhattan, Kans.; W2XBS, Bellmore, N. Y.; W2XBT, Portable (NBC); W2XF, New York; W3XAK, Bound Brook, N. J.; W9XAP, Chicago; W3XE, Philadelphia; W9XG, W. Lafayette, Ind.; W2XDR, Long Island City; W3XAD, Camden, N. J.; W10XX, Camden, N. J.; W8XAN, Jackson, Mich.; W9XK, Iowa City, Ia.; W9XAT, Portable (Dr. Geo. W. Young).

SET FOR HEARING

NEW—Paul Sullivan Andrews, Lewiston, Me.—Application for C. P.; **560 kc.**, 250 watts, nighttime only.

NEW—A. O. Jenkins, Jacksonville, Fla.—Application for C. P., **610 kc.**, 250 watts night, 500 watts day; unlimited time.

KRKO—Pioneer Broadcasters, Inc., Everett, Wash.—Application for C. P. to move transmitter and studio locally and make changes in equipment.

NEW—Alaska Radio & Service Co., Inc., Juneau, Alaska—Application for C. P.; **1200 kc.**, 100 watts, unlimited time.

NEW—Robert E. Cole, Washington, Pa.—Application for C. P.; **1200 kc.**, 100 watts, specified hours.

NEW—The Fort Industry Co., Cleveland, Ohio—Application for C. P.; **850 kc.**, 250 watts, daytime hours.

NEW—Robert Kaufman, Inglewood, Calif.—Application for C. P., frequency **1210 kc.**, 100 watts day; specified hours.

WEBQ—The Harrisburg Broadcasting Co., Harrisburg, Ill.—Application for modification of license to change hours of operation to unlimited; now operates on **1210 kc.**, 100 watts night, 250 watts day, specified hours.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Application for modification of license to change power from 500 watts night, 1 KW day, to 1 KW.

NEW—J. W. Birdwell and S. R. Jennings, Johnson City, Tenn.—Application for C. P. for new station, frequency **1200 kc.**, 100 watts; unlimited hours.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Application for C. P. to install new equipment, move studio locally and increase day power to 5 KW.

NEW—Pacific Acceptance Corp., San Diego, Calif.—Application for C. P. for new station; frequency **1420 kc.**, 100 watts, unlimited time.

NEW—Quincy A. Brackett, Lewis B. Breed and Edmund A. Laport, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Application for C. P. for new station to operate on **1140 kc.**, 500 watts day, limited hours.

WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P., already in hearing docket, amended so as to request authority to move station locally; install new equipment and increase power to 5 KW. (To be heard by the division en banc).

WMCA—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Renewal of license.

KXA—American Radio Tel. Co., Seattle, Wash.—Renewal of license.

ACTION ON EXAMINERS' REPORTS

NEW—Evangeline Broadcasting Co., Lafayette, La.—Granted C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time, sustaining Examiner M. H. Dalberg. Order effective April 30.

WWVA—West Virginia Broadcasting Corp. Wheeling, W. Va.—Granted renewal of license; **1160 kc.**, 5 KW, shares night with WOKO, simultaneous day with WOWO.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Granted renewal of license; **1160 kc.**, 10 KW, shares night with WWVA, simultaneous day with WWVA, Examiner Walker sustained. Order effective April 30.

NEW—Dalbert E. Replogle, Boston, Mass.—Denied C. P. for new experimental broadcast station to operate on **1570 kc.**, 1 KW, variable hours, sustaining Examiner R. H. Hyde. Order effective May 7, 1935.

NEW—Harris County Broadcast Co., Houston, Tex.—C. P. for new experimental relay broadcast station to operate on a main frequency of **9310 kc.**, also **11770** and **15150 kc.**, 500 watts, unlimited time, heard before Examiner Dalberg, was withdrawn without prejudice.

NEW—E. B. Gish, Gish Radio Service, Abilene, Tex.—C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time, heard by Examiner Dalberg, was withdrawn without prejudice.

NEW—Radio Service, Inc., Riverside, Calif.—C. P. for new station to operate on **820 kc.**, 100 watts, daytime hours, was denied as in cases of default. Examiner R. L. Walker sustained.

NEW—W. L. Gleeson, Salinas, Calif.—C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time, was withdrawn without prejudice, sustaining Examiner Walker.

NEW—Radio Service, Inc., Redlands, Calif.—C. P. for new station to operate on **830 kc.**, 100 watts, daytime hours, was withdrawn without prejudice, sustaining Examiner Walker.

MISCELLANEOUS

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Denied motion to enlarge the bill of particulars as to the issues station will be called upon to meet at hearing for renewal of license.

KABR—The Aberdeen Broadcasting Co., Aberdeen, S. Dak.—Denied petition to intervene in application of KSOO, Sioux Falls, S. Dak., for modification of license to change frequency from **1110** to **780 kc.**, also a change in power and in hours of operation. This application is to be heard May 7, 1935.

WLBC—Donald A. Burton, Muncie, Ind.—Denied petition requesting Commission to reconsider action of Jan. 15, 1935, in designating for hearing application for increase in daytime power and to set for hearing only application for increase in night power. Hearing to be held as originally scheduled. Applicants ask for increase in day power from 100 watts to 250 watts and night power from 50 to 100 watts.

The Black Hills Broadcasting Co., Rapid City, S. Dak.—Granted petition to intervene in the application of KSOO for modification of license as above recorded to be heard May 7, 1935. This party has pending before the Commission an application for a new station to operate on **1370 kc.**, in Rapid City, S. Dak.

WATR—The WATR Co., Inc., Waterbury, Conn.—On motion of Commissioner Prall the Commission granted the petition of WATR Co., Inc., requesting that the application of the WATR Co., Inc., for modification of license heretofore set for hearing be reconsidered and granted.

WTRC—Truth Radio Corp., Elkhart, Ind.—Denied petition asking Commission to reconsider and grant application for C. P. to increase its power to 250 watts day, 100 watts night, designated for hearing on March 12, 1935.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Denied request for further postponement of hearing set for May 6, 1935.

WDRC—WDRC, Inc., Hartford, Conn.—Denied petition asking reconsideration of action by the Commission in designating for hearing application for modification of license to increase daytime power from 2½ KW. to 5 KW.

KFPM—Dave Ablowich, d/b as The New Furniture Co., Greenville, Tex.—Designated for hearing petition for reinstatement, proposed assignment of license to Voice of Greenville, as set out in petition and renewal application. Renewal cancelled Apr. 2, 1935, after voluntary surrender by licensee due to economic conditions. Former licensee now desires to have license reinstated and assigned to the Corporation known as "Voice of Greenville" which will operate the station.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Denied petition for reconsideration of action by the Commission in designating for hearing application seeking permanent assignment on **780 kc.** Station normally licensed to operate unlimited time on **950 kc.**, 1 KW night, 2½ KW day.

WLNH—The Northern Broadcasting Co., Laconia, N. H.—Denied petition asking Commission to grant application without hearing for authority to increase its time of operation from daytime to unlimited.

WBCM—Bay City Broadcasting Assn., Bay City, Mich.—Denied petition for reconsideration of action in designating for hearing application to increase daytime power to 1 KW. Station now uses 500 watts day and night.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied petition asking Commission to reconsider its action in denying motion for postponing of hearing set for April 23, 1935, on application to change frequency from **1200** to **1250 kc.**, and to increase power from 100 watts night, 250 watts day, to 250 watts night and 500 watts day.

WALR—The WALR Broadcasting Corp., Zanesville, Ohio.—Denied petition requesting the Commission to reconsider action in denying the application of the Toledo Broadcasting Corp. to intervene at hearing of application for authority to move to Toledo, Ohio.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Denied petition requesting the Commission to reconsider and grant the application for increase in power to 1 KW night. Hearing on application for increase in night power to be held as scheduled.

WCAO—Monumental Radio Co., Baltimore, Md.—Denied petition requesting increase in power to 1 KW night. Hearing to be held as scheduled.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport Conn.—Denied petition requesting increase in power to 1 KW night. Hearing to be held as scheduled.

KYA—Pacific Broadcasting Corp., Ltd., San Francisco, Calif.—Denied petition requesting reconsideration and granting of C. P. application to increase power from 1 KW to 5 KW.

E. F. Houser & C. T. Miller, Big Spring Broadcasting Co., Big Spring, Texas.—Denied petition to take supplemental depositions in re Docket No. 2747.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license, **780 kc.**, 1 KW, unlimited time.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license, **1310 kc.**, 100 watts, unlimited time.

WGL—F. C. Zieg (Allen Wayne Co.), Ft. Wayne, Ind.—C. P., **1300 kc.**, 250 watts; 500 watts, unlimited time.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license, **1400 kc.**, 1 KW, unlimited time.

NEW—Mississippi Valley Broadcasting Co., Inc., Springfield, Mo.—C. P., **1310 kc.**, 100 watts; unlimited time at Hannibal, Mo.

NEW—KGBX, Inc., Springfield, Mo.—C. P., **1210 kc.**, 100 watts; unlimited time at Sedalia, Mo.

NEW—Mississippi Valley Broadcasting Co., Inc., Springfield, Mo.—C. P., **1310 kc.**, 100 watts, daytime at Jefferson City, Mo.

WCAO—The Monumental Radio Co., Baltimore, Md.—C. P., **600 kc.**, 1 KW, unlimited time.

APPLICATIONS RETIRED

KRKO—Radio Station KRKO, Everett, Wash.—C. P. to move station, heretofore granted, was retired to the closed files for want of prosecution.

NEW—Hilo Broadcasting Co., Ltd., Hilo, Hawaii—C. P. for new station, **1210 kc.**, 100 watts, specified hours, was retired to the closed files for want of prosecution.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown below:

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary experimental authorization to operate on **560 kc.**, 1 KW, power night, for the period beginning April 1, 1935, and in no event ending later than April 30, 1935. (Action taken 4-4-35.)

WMFN—Attala Broadcasting Corp., Kosciusko, Miss.—Granted authority to extend equipment test period for ten days from March 26 to 31, 1935, and from April 8 to 11, 1935. No tests to be conducted first seven days of April because of Commission monitoring schedule. (Action taken 3-25-35.)

WJMS—WJMS, Incorporated, Ironwood, Mich.—Granted authority to extend program test period for 30 days pending action on license application. (Action taken 4-10-35.)

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted special temporary authority to operate from 8 a. m. to 10:30 a. m., 12 noon to 1:15 p. m., and 5 p. m. to 8:30 p. m., CST., instead of from 8 a. m. to 10 a. m., 12 noon to 2 p. m., 5 p. m. to 6 p. m. and 7:30 p. m. to 9 p. m., as now licensed, pending action by Commission on station's application for unlimited time, but for period beginning April 11, 1935, and ending in no event later than May 6, 1935. (Action taken 4-11-35.)

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted construction permit for approval of transmitter site near Millersville, Marion County, Ind. (Action taken 4-11-35.)

WMFN—Attala Broadcasting Corp., Kosciusko, Miss.—Granted extension of equipment test period for 10 days. (Action taken 4-11-35.)

WEBC—Head of The Lakes Broadcasting Co., Superior, Wis.—Construction permit to make changes in equipment and increase day power from 2½ KW to 5 KW. (Action taken 3-28-35.)

APPLICATIONS RECEIVED

610 KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska—Modification of construction permit (B5-P-309) for erection of a new station to be operated on **610 kc.**, 250 watts, unlimited time, requesting approval of transmitter site and studio site at Goldstein Building, corner 2nd and Seward, Juneau, Alaska.

780 WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Modification of license to change operating power from 500 watts, 1 KW day to 1 KW, using directional antenna and 2½ KW day, also to cover equipment authorized by special authorization.

780 WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license to increase power from 250 watts, 500 watts day to 500 watts day and night.

780 KTM—Evening Herald Publishing Co., Los Angeles, Calif.—Modification of license to increase power from 500 watts, 1 KW day to 1 KW. Amended: To change name from Pickwick Broadcasting Corp., Ltd., to Evening Herald Publishing Co.

930 KGBZ—KGBZ Broadcasting Co., York, Nebr.—Modification of license to increase hours of operation from sharing to unlimited. Requests all facilities of KMA.

KWEA & KWKH—International Broadcasting Corporation, Shreveport, La.—Transfer of control of KWKH and KWEA from International Broadcasting Corporation to Times Publishing Company, Ltd.

1020 WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. Amended: For further changes in equipment, change frequency from **1070 kc.** to **1020 kc.** when KYW moves to Philadelphia, transmitter site to be determined and to extend commencement and completion dates.

1200 WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—License to cover construction permit (B2-P-419) to make changes in modulation system.

1200 NEW—V. H. Lake and H. E. Stanford, d/b as L. & S. Broadcasting Co., Atlanta, Ga.—Construction permit to erect a new broadcast station to be operated on (frequency, not specified), 100 watts, unlimited time. Amended: Giving frequency as **1200 kc.**

1200 KBTM—W. J. Beard (Beard's Temple of Music, Jonesboro, Ark.—Construction permit to move transmitter and studio sites.

1210 NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex.—Construction permit for a new station to be operated on **1210 kc.** 100 watts, unlimited. Amended: Re. Equipment and quota.

1210 KFRO—Voice of Longview, Longview, Tex.—Construction permit to make changes in equipment, change frequency from **1370 kc.** to **1210 kc.**, power from 100 watts to 100 watts, 250 watts day, and hours of operation from daytime to unlimited. (Facilities of KWEA.)

1210 KGY—KGY, Inc., Olympia, Wash.—Modification of license to change specified hours. Amended: To change hours of operation from specified hours to unlimited time except when KTW is operating.

1300 WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of license to change frequency from **1410 kc.** to **1300 kc.**, change night power from 500 watts to 250 watts, hours of operation from share WROK to unlimited. Amended: To change requested operating power from 250 watts, 500 watts day to 250 watts.

1310 NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: To change frequency to **1310 kc.**

1310 WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

1320 KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Extension of special experimental authorization to operate with 500 watts, 1 KW day, for period 5-1-35 to 11-1-35.

NEW—Wayne Broadcasting Co., a co-partnership, Edmund J.
1370 Meurer, Henry, Anton and Zigmund, Lewandowski, Hamtramck, Mich.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts daytime.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—
1370 Construction permit to make changes in equipment, increase power from 100 watts to 100 watts, 250 watts day and change hours of operation from S-KCRC to unlimited time. Facilities of KCRC. Amended: To make change in requested hours of operation from unlimited to share KCRC, and cancel request for KCRC facilities.

NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—
1370 Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. —

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—
1370 License to cover construction permit (B5-P-96) as modified to install new equipment and increase power.

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction
1380 permit to erect a new broadcast station to be operated on **620 kc.**, 500 watts daytime. Amended: To change frequency to **1380 kc.**

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification
1400 of license to increase power from 250 watts, 500 watts day to 500 watts, 1 KW, day. Amended: Re. power.

KGRS—E. B. Gish, Gish Radio Service, Amarillo, Tex.—Voluntary
1410 assignment of license to Plains Radio Broadcasting Co.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license
1410 to change frequency from **1310** to **1410 kc.**, power from 100-250 watts day to 250 watts and hours of operation from unlimited to specified hours (6 a. m. to 9 p.m.)

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—License to
1420 cover construction permit (B4-P-317) to move transmitter and studio and make changes in equipment.

NEW—Roberts MacNab Hotel Co. (Arthur L. Roberts, R. B.
1420 MacNab, A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak. —Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—
1500 License to cover construction permit (B1-P-194) to make equipment changes to increase power from 100 watts to 100-250 watts day.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—License to cover
1500 construction permit (B2-P-218) to make changes in equipment and increase power.

NEW—Clark Standiford, Marysville, Calif.—Construction permit
1500 to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

NEW—W. Dexter Moss, Tulsa, Okla.—Construction permit to
1500 erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time.

WOPI—Radiophone Broadcasting Station, WOPI, Inc., Bristol,
1500 Tenn.—Construction permit to change frequency from **1500** to **620 kc.**, to increase power from 100 to 250 watts and make changes in equipment. Amended: To omit request for frequency **620 kc.**, night power 100 watts, 250 watts day.

NEW—Charles A. Wharton, Cambridge, Ohio—Construction per-
1500 mit to erect a new broadcast station to be operated on **1500 kc.**, 50 watts, specified hours.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broad-
1500 casting Co., Omaha, Nebr.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: To change frequency to **1500 kc.**

NEW—Chicago Broadcasting Assn., limited partnership, Kleofas
1500 Jurgelonis, gen. partner, Jos. F. Budrik, Laurent V. Radkins and Vladas G. Jurgelonis, limited partners, Chicago, Ill.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts unlimited time.

KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—License to
1500 cover construction permit (B4-P-234) to install new equipment and increase power.

NEW—George B. Bairey, Valley City, N. Dak.—Construction per-
1500 mit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended: To change frequency to **1500 kc.**

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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ASCAP INVITES NAB TO CONFERENCE

At the invitation of the American Society of Composers, Authors and Publishers, representatives of the National Association of Broadcasters, the National Broadcasting Company and the Columbia Broadcasting System attended a meeting with a committee of the ASCAP board last Friday for the purpose of discussing the possibility of extension of the present copyright agreements with broadcasters.

Those who attended for the broadcasters were: A. J. McCosker, chairman; Walter J. Damm, E. A. Allen, members of the NAB copyright committee; Edward Klauber, executive vice president of CBS; A. L. Ashby, vice president and general attorney of NBC; Joseph C. Hostetler, copyright counsel of the NAB; Truman J. Ward, president of the NAB, and Philip G. Loucks, managing director of the NAB. Those present from the Society were: Otto Harbach, chairman; Sigmund Romberg, Louis Bernstein, Saul H. Bornstein, Walter Fischer and T. Allen, members of the Society committee; Gene Buck, president of ASCAP, and E. C. Mills, general manager of ASCAP.

Upon receipt of the invitation, the NAB Copyright Committee was called into session at the St. Regis Hotel, New York, Friday morning, and it was decided to meet with the ASCAP committee to hear the proposal it was understood would be made. The discussion with the Society group was of a general nature, with Mr. Hostetler pointing out that any result reached must be acceptable to the Government, which now has pending an anti-trust suit against the members of the Society. Mr. Hostetler pointed out that the NAB board had been on record for some time in favor of a per number plan and that a very similar method is proposed by the Government in its suit. He explained that such a proposal had been discussed in various discussions he had had with Mr. Mills.

In view of the fact that all broadcasting contracts expire on September 1 it was urged that present agreements be extended for a period of six months, subject to any action which might be taken in the Government suit. At the conclusion of the meeting it was stated by Mr. Bernstein that he would recommend such action to the ASCAP board and that any action taken thereon woulld be communicated to the NAB.

U. S. MOVES FOR EARLY ASCAP TRIAL

The United States Government this week filed a motion in the Federal District Court for the Southern District of New York asking that the court fix a date certain for hearing testimony in the Government's anti-trust case against the American Society of Composers, Authors and Publishers, et al.

The motion was filed this week and argument will be heard thereon next Tuesday before Federal Judge Knox. Andrew W. Bennett, special assistant to the attorney general, will argue for the motion.

The motion filed by Mr. Bennett states that "great apprehension has been and is expressed as to what demands for royalties will be imposed upon the expiration of the existing licenses." "Past experience over many years leads the owners of the businesses involved to believe that greatly increased royalties will again be demanded and that they will be forced to pay such increased amounts or go out of business," it is stated. "Deponent is informed by prospective witnesses that as early as 1926, one of the principal officials of the defendant Society and himself a defendant herein stated at a general meeting in effect that the defendant Society controlled the 'goods,' that it would demand any royalty price it saw fit and that it intended to continue to demand as much as could be extracted."

"Deponent believes that an early trial and decision of the legality or illegality of the pooling of individual copyright monopolies and the concerted action of individual copyright owners in eliminating competition and fixing prices or royalties is urgent."

Mr. Bennett asks that the court fix a day certain during the present term of court for hearing the suit.

Affidavits executed by Philip G. Loucks, managing director of the NAB; Edward L. Kuykendall, president of the Motion Picture Theater Owners of America, and Thomas D. Green, president of the American Hotel Association, were filed in support of the Government's motion.

COPYRIGHT HEARINGS CONSIDERED

The Senate Patents Committee met Wednesday and considered the Duffy bill (S. 2465) which provides for amendment and consolidation of the copyright laws. This bill, among other things, would eliminate the $250 statutory minimum damages for innocent infringement of music copyright and would substitute such damages as the court in its discretion might impose. It has the approval of the Department of State and of the Roosevelt administration.

The text of the bill was printed in a previous issue of NAB REPORTS. The drafting followed conferences at the Department of State which were participated in by the NAB on behalf of the broadcasting industry. The measure is an important step forward in copyright legislation and it is hoped that the present Congress will enact the law.

The Senate Patents Committee intends to hold a meeting next Wednesday, at which time it will review the objections to the bill which have been raised by certain copyright owners, but it is expected that the bill will either be reported or public hearings held.

Members of the Senate Patents Committee are: Senators McAdoo, Calif., chairman; Smith, S. C.; Trammell, Fla.; Bone, Wash.; Radcliffe, Md.; Norris, Nebr., and White, Maine.

Make Your Reservations Early

for

NAB CONVENTION — BROADMOOR HOTEL — COLORADO SPRINGS, COLORADO

JULY 6 TO 10, INCLUSIVE

SENATE ACTS ON COPYRIGHT UNION

The Senate on April 19 ratified the International Copyright Convention which had previously been reported favorably by the Senate Foreign Relations Committee and on the following Monday rescinded this action and reinstated the Convention to the Senate calendar.

The ratification action was the result of a misunderstanding which the subsequent action remedied. It is the understanding of all parties interested in copyright revision that the treaty is to remain on the calendar until legislative action on the pending Duffy copyright bill is completed. Both Senator Duffy, who is sponsoring the bill, and the Department of State, have given promises that action on the treaty will not precede final action on the copyright bill.

The action, however, is an indication of the Senate's desire to take final action on copyright legislation and it is expected that the Duffy bill will be pressed aggressively during the present session.

ASRA MATTER REFERRED TO BOARD

The proposal of the American Society of Recording Artists that stations pay fixed fees for the privilege of broadcasting phonograph records has been referred to the NAB Board of Directors for consideration.

In the meantime, under date of April 22, the Managing Director addressed the following letter to Mr. Arthur W. Levy, Executive Secretary of the Society:

"This will acknowledge receipt of your letter of March 30 enclosing copies of letter and license agreement with copies of Article XII of the by-laws of your Society.

"Under date of March 14 I wrote you stating that this matter would require consideration of the Board of Directors of the Association. No date has as yet been set for this meeting.

"In order that I may be in a position to present the matter fully to the Board will you please furnish me with a list of your 'Regular Members' whose recordings you claim the right to license as well as a complete list of the recordings of each such 'Regular Member'?

"Is it proposed that each station must accept a blanket license or may stations negotiate with individual members for their separate recordings?

"It would also be helpful if you would send me a copy of the form under which your 'Regular Members' have assigned their rights to the Society; advise me in what manner you have measured liability for prior use of recordings; and upon what Federal statutes or court decisions your Society bases its right to issue licenses.

"I am sure that you will want our Board to have this and any other information which you may deem pertinent before it when it gives consideration to this matter."

At the time this issue of NAB Reports goes to press no answer has been received.

Up to the present time the NAB has no knowledge of any station signing the offered contract.

CANADIAN COPYRIGHT HEARING

An investigation of the rates filed by the Canadian Performing Right Society, Ltd., under the Canadian Copyright Act has been instituted and is now under way in Toronto. The rates, required by the Canadian law, are attacked by broadcast stations, theaters, and other users of copyright material on the grounds that they are unreasonable and Judge James Parker, senior judge of the County Court of York, Province of Ontario, has been appointed as Commissioner to investigate and report. The Commissioner is required to investigate and report on the fees, charges or royalties which the Canadian Performing Right Society, Ltd., or any such other society, association or company, should be entitled to collect from licenses in compensation for the issue or grant of such licenses, and the bases on which such fees, charges or royalties should properly be computed.

Samuel Rogers, Esq., Toronto, counsel for the Canadian Association of Broadcasters, recently conferred with the Managing Director of the NAB and requested certain information for use in the investigation. Mr. Rogers has also conferred with Joseph C. Hostetler, NAB copyright counsel.

100-WATT STATIONS PLAN MEETING

For the purpose of devising a proper and sound method for presenting their story before national and regional advertisers and to discuss other common problems, 100-watt stations, all members of the NAB, will hold a session at Colorado Springs, Colo., during the annual NAB convention July 6 to 10, inclusive.

A committee consisting of E. A. Allen, WLVA, Lynchburg, Va., chairman; Leroy Mark, WOL, Washington, D. C.; John Elmer, WCBM, Baltimore, Md.; W. W. Gedge, WMBC, Detroit, Mich.; William S. Pote, WMEX, Boston, Mass.; L. A. Benson, WIL, St. Louis, Mo.; Herbert Hollister, WLBF, Kansas City, Kan.; Ben S. McGlashan, KGFJ, Los Angeles, Calif.; Edward E. Bishop, WGH, Newport News, Va.; I. Z. Buckwalter, WGAL, Lancaster, Pa.; S. A. Cisler, WJTL, Atlanta, Ga.; Earl J. Smith, WNBZ, Saranac Lake, N. Y.; Ormond S. Black, WSGN, Birmingham, Ala.; Clifford M. Chafey, WRAW, Reading, Pa.; C. D. Mastin, WNBF, Binghamton, N. Y.; H. M. Loeb, WFOF, Flint, Mich.; C. A. Hill, WIBM, Jackson, Miss.; Winston L. Clark, WLAP, Lexington, Ky.; and C. W. Hayes, WHBC, Canton, Ohio, have been called upon to serve as a committee to draft an agenda for the Colorado Springs, Colo., session. This committee will hold a meeting in Washington, at the studios of Station WOL, on May 6 for the purpose of shaping up the program.

NAB FILES CONFERENCE APPEARANCES

On behalf of its members the NAB filed appearances for the May 15 conference on educational broadcasting to be conducted by the Federal Communications Commission.

President Ward will appear for the NAB and will present a statement on behalf of the broadcasting industry. It is expected that the conference will be well attended and may last several days. Great importance is attached to the conference by broadcasters because there has been much misunderstanding as to whole subject of educational broadcasting.

The Commission, after hearing more than two million words of testimony during hearings last fall, filed a report in Congress stating that no case had been made out for the allocation of a percentage of channels or time for this purpose but that the matter was one for mutual cooperation between broadcasters and educators. The conference is being held to develop such cooperation in accordance with a satisfactory plan.

NEWSPAPER STATIONS PLAN SESSION

Newspaper-owned stations holding membership in the NAB will hold an informal session during the annual convention of the NAB at Colorado Springs, Colo., July 6 to 10, inclusive. The meeting will be held Monday evening at a time which will not conflict with the general sessions of the convention. A committee consisting of Walter J. Damm, WTMJ, Milwaukee, Wis.; Dean Fitzer, WDAF, Kansas City, Mo.; Lambdin Kay, WSB, Atlanta, Ga.; H. K. Carpenter, WHK, Cleveland, Ohio; Jeff Webb, WWJ, Detroit, Mich.; and J. Gardner Cowles, KSO, Des Moines, Iowa, constitute a committee to arrange an agenda for discussion. This agenda will embrace problems mutual to newspaper-owned stations and also questions as to the best manner in which stations owned by newspapers can be helpful to the industry as a whole.

WILL DISCUSS EDUCATION BY RADIO

Leaders in education, radio, and government will meet at Columbus, Ohio, May 6, 7, and 8, when Ohio State University entertains the sixth annual institute for education by radio and the fifth annual assembly of the national advisory council on radio in education. The two groups are meeting together this year for the first time. Sessions will be held in the state office building.

"The council and the institute are this year holding a joint meeting for the frank discussion of broadcasting conditions and techniques. The attempt has been made to point the discussions to the most important current problems and policies and the most significant developments in the techniques of educational broadcasting," according to the meeting announcement issued by Levering Tyson, New York City, director of the council, and Dr. W. W. Charters, Ohio State University, leader in the institute.

Federal and state officials who will participate include John W. Studebaker, U. S. Commissioner of Education; Anning S. Prall, Chairman of Federal Communications Commission; B. O. Skinner, State Director of Education for Ohio; and Agnes Samuelson, State Superintendent of Public Instruction for Iowa.

The NAB will be represented either by President Ward or Managing Director Loucks.

FCC TO HOLD HEARING ON RULE 176

The Federal Communications Commission will hear argument in connection with the proposed modification of Rule 176, relating to announcements of transcriptions and phonograph records, on June 20.

Announcement of the argument was made by the Commission in the following language:

"Upon consideration of a petition filed by World Broadcasting System, Incorporated, New York, N. Y., for an amendment to or clarification of Paragraph 176 of the Rules and Regulations of the Commission, the Broadcast Division will hear argument on this subject which pertains to mechanical reproductions. Such argument will be held June 20, 1935, beginning at 10:00 a. m. at the offices of the Federal Communications Commission, Washington, D. C.

"All parties who wish to participate should file their notice of desire to be heard with the Commission not later than May 18, 1935."

Managing Director Loucks will appear for the NAB and present the resolution adopted by the NAB at its Cincinnati meeting. The text of the resolution follows:

"Resolved, that the National Association of Broadcasters hereby reaffirms the resolution adopted at its 1933 convention referring to the elimination of announcements for electrical transcriptions produced especially for broadcasting, and directs the convention resolutions committee to draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission."

The 1933 resolution reads as follows:

"Whereas, the use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners, and has become an important economic factor in the operation of broadcasting stations, and

"Whereas, there is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be so announced, and

"Whereas, there has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs is now generally considered as excellent, and

"Whereas, the broadcasting industry would be greatly benefited by the removal of existing restrictions, therefore, be it

"Resolved, that the NAB hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced, so that such a transcription may be announced merely as a production of the concern making such transcription.

"Resolved further, that the National Association of Broadcasters hereby directs its officers to bring this resolution without delay to the attention of the Broadcast Division of the Federal Communications Commission, and to take whatever steps may be necessary and practicable to secure prompt revision of the regulations in accordance with this resolution."

NAB-AAAA-ANA GROUP MEETS

Definite steps toward the creation of an independent bureau for the purpose of authenticating coverage and audience data supplied by stations to time purchasers were taken at a joint meeting of representatives of the NAB, the American Association of Advertising Agencies and the Association of National Advertisers held at St. Regis Hotel, New York, April 22.

Representing the NAB were: Arthur B. Church, KMBC, chairman of the Committee of Five; Edgar Kobak, NBC; John J. Karol, CBS; H. M. Beville Jr., NBC; Dr. Herman S. Hettinger, NAB research director, and Philip G. Loucks, NAB managing director.

Representing the AAAA were: John Benson, AAAA president; Fred R. Gamble, AAAA executive secretary; H. H. Kynett, Philadelphia; Charles F. Gannon, chairman, AAAA Radio Committee, and L. D. H. Weld, New York.

Representing the ANA were: Stuart Peabody, former ANA president; Paul West, ANA managing director, and A. W. Lehman, secretary of the Cooperative Analysis of Broadcasting.

The invitation for the meeting was extended by the NAB and this action was pursuant to the resolution adopted at the last NAB convention. Several meetings of the NAB committee preceded the joint meeting.

Managing Director Loucks suggested that the meeting first give consideration to the formulation of organization plans, leaving discussions as to scope and method to the bureau, if and when it is created.

There was general agreement upon this plan of procedure and the group formed themselves into a temporary joint committee to receive a report from a subcommittee consisting of Mr. West, Mr. Gamble and Mr. Loucks. Further action is to await conclusion of the ANA annual convention, which is to be held next week.

NAB COMMERCIAL MEETING JUNE 10-11

Mutual problems of the buyer and seller of time and the use of broadcast advertising by retailers will be the principal topics of the annual meeting of the NAB Commercial Section, which will be held at the Palmer House, Chicago, Monday and Tuesday, June 10 and 11, in conjunction with the Advertising Federation of America convention.

A unique feature of the Commercial Section meetings this year will be the fact that they will be organized in the form of a panel discussion. Under this system varying points of view regarding the problem under consideration will first be presented by leading authorities, following which discussion will be opened to all present.

The specific topics for the current season's meeting will be "Mutual Problems Facing the Buyer and Seller of Time" and "The Use of Broadcast Advertising by Retailers."

The development of a radio audit bureau and the establishment of an agency recognition bureau within the NAB will be among the specific questions which will be raised under the first main topic, while leading retailers and broadcasters will discuss various phases of the latter question. General meetings are tentatively scheduled for Monday and Tuesday morning.

In addition to the general meetings there will be a session of the NAB Commercial Committee either Monday or Tuesday afternoon. Arrangements for the sessions are in charge of Arthur B. Church, chairman of the Commercial Committee.

ABOUT TABOO ACCOUNTS

Several stations have written asking for a list of advertising accounts which are objectionable to the Federal Communications Commission. No such list is available. NAB REPORTS publishes each week a list of the actions of the Federal Trade Commission and if these were given the study they deserve stations would have little difficulty in determining their course. Stations might address communications to the Federal Trade Commission or the Food and Drugs Administration, Department of Agriculture, or U. S. Public Health Service, all located in Washington, D. C., or their local health officers, Better Business Bureaus or Medical and Dental Associations for advice. The NAB has neither the funds nor the personnel to enter the field of advertising censorship even if it were desirable to do so. Stations should use their own good judgment in accepting and rejecting accounts. There is no test by which your action can be determined except by the test of what is good broadcasting and there is no way to apply this test except by the application of just good old common horse sense. There isn't a broadcaster who doesn't know what is good broadcasting and what is not. Broadcasters ought to censor their own programs—the Government ought to be prevented from doing so.

SENATORS VOTE NRA TO APRIL '36

The Senate Finance Committee May 1 voted 16-4 to report out a Joint Resolution extending the NRA, with important restrictions, to April 1, 1936.

The resolution provides against price fixing, except those of mineral natural resources; that the NRA be restricted to strictly interstate business, and that the President shall be given 30 days in which to review existing codes and make them conform to the new provisions.

It is understood that the anti-price fixing provision does not bar open price filling. Further, Radio Broadcasting undoubtedly will be considered an interstate business. Consequently, the resolution in its present form should not require any revision of the Broadcaster's Code.

The text of the resolution follows:

S. J. Res.

TO EXTEND UNTIL APRIL 1, 1936, THE PROVISIONS OF TITLE I OF THE NATIONAL INDUSTRIAL RECOVERY ACT, AND FOR OTHER PURPOSES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 2 (C) of Title I of the National Industrial Recovery Act is amended by striking out "at the expiration of two years after the date of enactment of this act" and inserting in lieu thereof "on April 1, 1936."

Sec. 2. (A) In the application of Title I of such act after the date of enactment of this joint resolution and until April 1, 1936, the following amendatory provisions shall apply:

(1) No price fixing shall be permitted or sanctioned under the provisions of any code; except that provisions for the regulation of prices under governmental control may be included in codes for those mineral natural resource industries in which prices are now fixed pursuant to the provisions of any code and which the President finds to be so affected with a public interest that such regulation is necessary and proper in the public interest.

(2) No code of fair competition shall be applicable to any person whose business is wholly intrastate.

Sec. 3. The President shall review or cause to be reviewed for compliance with the requirements of this joint resolution every code in effect on the date this joint resolution takes effect. In order to afford reasonable opportunity for such review, such codes are hereby continued in effect (subject to cancellation or modification pursuant to the provisions of this joint resolution) for a period of thirty days after June 15, 1935, unless previously reviewed and superseded; but no such code shall continue in effect after the expiration of such thirty-day period unless the President has reviewed such code and has approved it and finds that the code in the form so approved conforms to the requirements of this joint resolution.

NRA FACES SUPREME COURT TEST

Coincident with the action of the Senate Finance Committee in reporting out a Joint Resolution to extend the NRA for eight months the new Solicitor General of the United States, Stanley Reed, filed the government's brief in the controversy of the Schechter poultry interests of New York. This suit is brought to test the constitutionality of the National Industrial Recovery Act. The U. S. Supreme Court will hear arguments in the case tomorrow.

NEWSPAPER EDITORS CRITICISE NAB

The American Society of Newspaper Editors, at their annual meeting in Washington last month, took time to discuss and adopt a resolution disapproving the action of the NAB in soliciting funds to assist in the KVOS case. The resolution reads as follows:

"Resolved, That the American Society of Newspaper Editors, assembled in Washington for its annual convention, declare its disapproval of the action of the National Association of Broadcasters in undertaking to finance a court fight to break down property rights in news as developed through the years by newspapers and press associations, and be it further

"Resolved, That this Society give to the Associated Press a vote of approval for the well directed effort it is making in the case of Station KVOS to outlaw piracy of news as practiced by those radio stations rebroadcasting published information without the consent of those who pay for gathering the news and its distribution."

RADIO-PRESS BUREAU LIBERALIZED

Liberalization of the Press-Radio Bureau was approved at the meeting of the American Newspaper Publishers Association held in New York last week.

The report, in full text, as submitted by E. H. Harris, Richmond, Ind., Palladium-Item, and chairman of the Publishers National Radio Committee, and adopted by the publishers' association, is as follows:

"The focal point of Press-Radio relations is based upon the newspapers' property rights in the news which they have gathered as members or as clients of one or more press associations. Since all newspapers which are members or clients of one or more press associations have a certain property right in the news of those press associations, the Radio Committee bases its activities upon the premise that these property rights in the news should have some central body to coordinate their interests in the broadcasting of news furnished by the press associations. The Press-Radio Bureaus, composed of the press associations, the newspapers, and the broadcasters provide a medium through which these rights may be coordinated and preserved in the broadcasting of news. This is the basis upon which the Radio Committee makes its report.

"During the last year attempts were made by some broadcasters to encroach upon the property rights of the newspapers and the Press Associations in the news which they gather. These attempts manifested themselves in the news which certain radio stations took from the newspapers without their consent or that of the Press Associations. They persisted in these violations even after notice had been served upon them. One case of this kind in the State of Washington in which the property rights of The Associated Press in the news had been violated by a broadcasting station was taken to a Federal Court. The Federal Judge ruled against The Associated Press. An appeal was taken to a higher court. The United Press and the International News Service agreed to share the expense of the appeal. On the other side of the controversy The Executive Committee of the National Association of Broadcasters is raising a fund to fight this appeal. Many members of the National Association of Broadcasters are using their influence to induce the Association to withdraw from the case.

"Efforts have been made by certain interests connected with the broadcasting industry to destroy the property rights of the newspapers and the Press Associations in the news through legislation. This action was attempted in the Legislature of the State of Washington, where a bill was introduced to permit radio stations to take the news from the newspapers without their consent or that of the Press Associations. The legislation failed of enactment.

"Your Radio Committee has only been able to report these violations and to make recommendations for legal action on the part of those who are in a position to defend these fundamental rights.

"We believe, however, that through further cooperative efforts on the part of some of the larger interests in radio and through continued effort on the part of the newspapers to cooperate with the radio industry as a whole, we will be able to eliminate some of the conflicts which exist in these spots.

"Publishers must understand that the Press Associations and newspapers have no legal right to interfere with the broadcasting of news which has not been gathered by the newspapers or the Press Associations.

"The newspapers and the Press Associations have no monopoly on the gathering or selling of news.

"The main point at issue between the broadcasters and the newspapers is the reluctance of the newspapers and the Press Associations to sell the news to radio advertisers for sponsorship over the air.

"This refusal rests upon these two fundamentals:

"First: The practice would permit the advertiser to censor and edit the news to suit not only his own advertising program but also his prejudices on social, economic, religious and political questions, and thus news would degenerate into propaganda for the advertiser.

"Second: Since the sale of news is the basis of the newspaper publishing business this asset should not be sold to the broadcasters to be used in competition with the newspapers.

"To get to the essence of the problem which has confronted the Radio Committee, the general public is demanding news by means of Radio broadcasting because of its speed and convenience. Many radio stations are not inclined to give away the time for broadcasting news when this 'Radio time' can be sold to an advertiser for a substantial amount of money. News also can be sold easily to almost any radio advertiser.

"The newspapers, the Press Associations, and the two Chains have been cooperating in the performance of a public service to radio listeners, but many of the independent radio stations have not cooperated because the sound of the cash register means more to them than the preservation of principles which affect the welfare of the general public.

"We believe that substantial progress has been made in the last year in the Press-Radio Bureaus, in the cooperation extended by the National Broadcasting Company and the Columbia Broadcasting System, and that still further progress is possible.

"The co-operation of the newspapers with radio stations in the broadcasting of news has been carried on under the general supervision of your Committee.

"The Press-Radio Bureaus have performed a service of inestimable value to radio listeners. This statement is based upon the contents of thousands of letters and calls which have come to the Bureaus from listeners who voluntarily expressed their appreciation of the service.

"The New York Bureau has attained a high standard of efficiency under the personal supervision and direction of Edwin S. Friendly of The New York *Sun*. The Pacific Coast Bureau has been developed to an equally high degree of efficiency by Norman Chandler of The Los Angeles *Times* and J. R. Knowland of *The Tribune,* Oakland, California, all of whom are members of your Committee.

"In addition to this, your Committee has been making a study of the trend of radio and its relation to the newspaper publishing business. One of the noticeable developments is the gradual increase in the number of radio stations owned, in whole or in part, by the newspapers. The records show that one hundred and fifteen of the six hundred radio stations in the United States are owned or controlled by newspapers, which in terms of power amounts to about one-third of the total.

"The Committee believes that the Press-Radio Bureaus should be maintained for another year, that the broadcasting of news should be liberalized, and that fuller authority should be vested in the two Bureaus for governing the broadcasting of news.

"While the plan, which your Committee submits herewith, is not entirely satisfactory, we believe it is the best that can be obtained under the competitive conditions which exist among the various groups represented in Press-Radio. Your Committee, therefore, recommends the adoption of the plan and that it be put in operation at once.

"Your Committee desires to place itself on record as being opposed to the general practice of selling news to an advertiser for sponsorship over the air because this policy is unsound in principle and, if it is generally adopted eventually will destroy Press-Radio Bureaus and do untold damage to the public welfare.

"The sale of news to an advertiser for broadcasting purposes opens the way for him to edit and censor the news over the air. The listeners will be offered propaganda of various kinds under the guise of news. The radio advertisers who are in control of all advertising programs under our present system of broadcasting have developed the technique of weaving their advertising stories into the broadcasting as a part of their news programs, so that the listeners, if they are not on guard, will be sold a cathartic or a breakfast food because some alert advertiser has hooked up his product with a news item concerning the health of some person prominent in the public life. The listening public is being fooled by advertising propaganda broadcast under the guise of news.

"After many conversations with the various groups involved in Press-Radio relations, a conference with representatives of the groups which had been previously concerned with this problem was held at the Hotel Biltmore, New York City, April 5th, which was attended by representatives of the National Broadcasting Company, the Columbia Broadcasting System, The United Press, The International News, The Associated Press, and the Executive Committee of the A. N. P. A. Radio Committee.

"After eliminating all of the proposals to which the combined group could not agree, we arrived at the following final and unanimous conclusions as a basis for further cooperation between the broadcasters, the press associations, and the newspapers, for a period of one year. This course seemed to be the only one open to us

"1. That the public interest requires the continuation of the Press-Radio Bureaus in order to make certain that reliable and authentic news is disseminated through the medium of radio broadcasting. (The National Broadcasting Company and The Columbia Broadcasting System have pledged their support for another year if this recommendation is adopted.)

"2. That the Committee in charge of the operations of each of the Press-Radio Bureaus be authorized to adopt such rules and regulations as in their opinion are essential to a better service.

"3. That the newspapers owning or affiliated with radio stations, subject to the regulations of the Press-Radio Bureaus, be allowed a more flexible use of wire reports as those reports are received in their own offices for broadcasting of news; provided, that such newspapers make announcement of the news sources as required of those who receive their reports from the Press-Radio Bureaus.

"4. That publishers should individually take every step necessary to prevent the improper use of news and the prostitution of news in their own communities, even to dropping the programs of the offenders from their columns.

"The United Press and The International News Service, in concurring in the action of the conference, reserved the right, when and if, in their opinion, it should become necessary, to sell a news service to advertisers or radio stations for broadcasting purposes under such restrictions as they shall impose to preserve the purity of the news. They stated that, in principle, they were opposed to the sale of news for radio sponsorship as a source of revenue, and that such news would be sold only for sponsorship when competitive broadcasting of news warranted such action.

"We believe that the above plan will provide enough flexibility in the operation of the two Press-Radio Bureaus to enable them to serve the public with reliable news and at the same time, not tie the hands of the press associations nor penalize newspaper-owned or affiliated radio stations.

"Your Committee has made an honest effort to serve the Press as a whole, with due regard for the rights and privileges of the public, but there still remains a responsibility upon every publisher to do his part to solve a most difficult problem by lending his full cooperation to any plan which the Convention may adopt as a policy for the best interests of all.

"Respectfully submitted, E. H. Harris, Chairman; Amon G. Carter, Norman Chandler, E. D. Corson, John Cowles, K. A. Engel, Edwin S. Friendly, H. Ponting, J. G. Stahlman, O. S. Warden."

MEMBERSHIP GROWS: DELINQUENTS GO

The NAB membership reached the high mark of 395 this week. Of this number only 24 are in arrears in their dues and the required 14-day expulsion notice was mailed to these members on May 1.

BAN ON DENTAL ADVERTISING

The Supreme Court of the United States has upheld an Oregon law prohibiting dentists from advertising.

Harry Semler, a Portland dentist, contended the 1933 act was not for the welfare of the general public but for the financial benefit of a part of the dental profession at the expense of the public.

Chief Justice Hughes delivered the opinion. He said the important point was whether the Oregon law was an "arbitrary interference with liberty and property," adding that the public should be protected against practices which "tend to demoralize the profession."

No dissent was announced.

ANA ANNUAL MEETING NEXT WEEK

The annual convention of the Association of National Advertisers will be held at White Sulphur Springs, W. Va., next week. Among the matters to be considered is the proposal to join with the NAB and the AAAA in the creation of a central bureau for the authentication of coverage or audience data. Managing Director Loucks and Arthur B. Church, chairman of the NAB Commercial Section, have been invited to attend the meeting.

GORDON PERSONS HONORED

Gordon Persons, Station WSFA, Montgomery, Ala., and a member of the NAB Board, has been appointed chairman of the Rural Electrification Authority by Governor Graves of Alabama. The Authority is a private, non-profit, self-supporting corporation set up as one of the agencies that will have charge of spending the money appropriated by Congress in the $4,880,000 works bill. The corporation has been organized by Mr. Persons and has started its activities in the state.

FEDERAL MUSIC AND ART COMMISSION

A bill which, if enacted, might easily have far-reaching effects is H. R. 7161, introduced April 1 by Congressman Connery of Massachusetts.

This bill would establish an independent agency of the Government to be known as the "Commission for the Advancement of Music and Art." This new body would consist of five commissioners, each receiving a salary of $10,000 a year. Its object would be to "advance the cultural interests of the American people by providing employment for and aiding in securing employment for persons engaged in artistic endeavor and persons promoting music and other fine arts."

In view of the fact that the bill has as its expressed purpose "to widen the employment opportunities of American musicians and other artists," and also in view of the fact that it was referred to the House Committee on Labor, its object is clearly to employ the machinery of the Federal Government for creating additional jobs, particularly in the field of music. The authority of the proposed Commission would be very broad, and the bill contains a blanket provision for the transfer to the proposed Commission of all powers and functions now vested in other executive agencies which the President finds would be more appropriately exercised by the new Commission.

PLEASE SEND REPORTS PROMPTLY

Though the great majority are sending their reports of broadcast advertising volume to the NAB in ample time, a number of stations are still reporting sufficiently late to delay the publication of the monthly summary figures. If all reports can be received regularly by the twentieth of the month, it will be possible to advance the publication date of the NAB broadcast advertising reports from five to ten days. Your cooperation is requested in this matter.

FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Petition

No. 2081. The United States Circuit Court of Appeals of the Eighth Circuit, on joint motion of the Federal Trade Commission and the George H. Lee Co., Omaha, Nebr., has dismissed a petition filed by the Commission for enforcement of its order to cease and desist against the Lee company involving alleged misrepresentation of poultry disease remedies. Dismissal was requested because the company, since the Commission's order was issued, "has made substantial changes in the constituent ingredients of the certain remedial preparation referred to" in the order.

Dismissal of Complaint

No. 2272. Amusement Novelty Supply Company, Elmira, N. Y. Complaint has been dismissed insofar as the respondent company has ceased using lottery methods in the sale of merchandise as charged by the Commission.

Cease and Desist Orders

Cease and desist orders have been issued against the following companies by the Commission:

No. 2227. Evans Fur Co., and Kent Fur Co., Chicago. The respondents are prohibited from using newspaper and radio advertising which unfairly represents their business. Among representations to be discontinued are assertions that popular motion picture actresses are garbed in fur garments made or sold by the respondents, that the companies manufacture the garments which they sell, and that purchasers buying from the respondents save middlemen's profits.

No. 2250. Jules V. Riviere Perfumes, Inc., New York. The respondent is prohibited from using the words "Paris," "France" of the name "Jules V. Riviere" as a signature on labels or packages containing domestic perfume, nor are they to be used in printed advertising or by radio broadcast so as to imply that they were made in Paris. The respondent consented to the issuance of the order.

No. 2295. Edward M. Kahn Corporation, New York City. To cease and desist in the advertisement and sale of narrow ribbon and other forms of fabric from the use of the terms "Taffeta," "Silk" and "Pure Dye" unless the fibre used is derived entirely from silk. The respondent consented to the issuance of the order.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2363. Edwin Cigar Company, Inc., and James B. Hall, Jr., Inc., New York. Alleged that former company sold lower quality cigars, made specifically for the purpose, as "Factory Seconds," etc., when this was not the case. The Hall Company is alleged to have advertised Philippine cigars at a low price because they were in some cases "wormy" thus disparaging this product. American Sumatra leaf also was disparaged, while products only partially filled with Havana was advertised as "Finest Havana Filler." Hearing May 17.

No. 2364. John Alden Co., Chicago, Ill., a magazine subscription agency, and the Vickery & Hill Publishing Co., Augusta, Me., publishers of "Good Stories" magazine. Respondents are alleged to have promoted the sale of the magazine by advertising that persons solving a puzzle would be entitled to receive $1500 cash or choice of an automobile, when, in fact, the respondents made these representations to secure solicitors for the magazine, which fact was not mentioned in the advertisements and not known to the contestants until they had solved the puzzle. Hearing May 17.

No. 2365. Armstrong Rubber Co., West Haven, Conn. Alleged to have made representations tending to deceive the public into believing that the company's prices to the consumer were direct factory one-profit prices, when in fact, distributors received the goods at prices shown on a "confidential distributors' net cost" list, but retailed them at higher prices described as "factory prices." Hearing May 24.

No 2366. Yardley & Co., Ltd., New York City. The respondents are alleged to have hindered competition unduly by maintainance of the resale price of their products through the furnishing of full and minimum retail prices to customers, the announcement that it will thereafter sell only to those who adhere to these prices, seeking the cooperation of customers in reporting names of other customers who sell below the suggested minimum, and listing customers to whom goods are not to be sold because they have not observed the company's prices. Hearing May 24.

No. 2367. Charles E. Morris, New York City. The respondent is alleged to have advertised the prices of his fur coats and garments as strictly wholesale and that he is a "reliable wholesale fur house" when his prices were substantially above wholesale and he was not conducting a wholesale business. Hearing May 24.

No. 2368. Victor Soap C., Dayton, Ohio. Charged with misrepresentation by having advertised for dealers or purchasers under the pretense of seeking agents. It is stated that the company asserted it furnished everything needed, guaranteed success and that agents were making from $50 to $60 per week easily. These representations were alleged not to be true. Hearing May 24.

No. 2369. Universal Parts Mfg. Corporation, Chicago. Unfair competition is alleged by the fact that the abbreviation "Mfg." in the trade name tends to deceive buyers into believing that the company is a manufacturer when it is not.

Nos. 2370, 2371, 2372. Interstate Distillers, Inc., Acme Distillers, Inc., Baltimore, and Morgan Distilling Corporation, Jersey City. Respondents are charged with unfairly using the term "Distillers" to describe a business consisting only of rectifying, blending and bottling of liquors. Hearing Friday, May 31.

No. 2373. Robert R. Dunn, Jr., and Tom Keck, San Francisco, trading as the Oikelp Co. Respondents are charged with unfair representation of their medicine, in that their claims grossly exceed the uses which may beneficially or safely be made of it and that its representations have a tendency to mislead buyers into believing that the "Iokelp Tablets" are a remedy and preventative for the diseases mentioned. Iokelp was advertised as capable of preventing and correcting simple goitre where other treatments have failed. Hearing, Friday, May 31.

Nos. 2374, 2375, 2376. Sherwood Distilling & Distributing Co., Baltimore, Old Gold Distillers, Chicago, Majestic Distilling Co., Baltimore. The respondents are charged with the use of the word "Distillers" to designate a business consisting only of purchasing, rectifying, blending and bottling liquors, thus unfairly competing with bona fide distillers. Hearing, Friday, May 31.

No. 2377. LeGay, Inc., Chicago. The respondent is charged with advertising that its product, "LeGay Hair Remover," is harmless, banishes facial hair shadows and removes unsightly hair without roughening the skin when this is not the case. Hearing, Friday, May 31.

No. 2378. Marcus A. Weinberg and Belle Weinberg, trading as Cronin China Co. Publicity Department, Chicago, and Leigh China Co., Publicity Department, Sebring, Ohio. Respondents are charged with using a plan for selling merchandise having the tendency of deceiving buyers into believing that they were dealing with the aforementioned companies when in fact they were dealing with the respondents. They are also charged with representing chinaware and earthenware products used to redeem premium certificates as being of the highest grade when they were in fact "run of the kiln" or "seconds." Hearing, Friday, May 31.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in questions:

No. 0844. Paramount Products, Inc., Des Moines, Iowa. It will not advertise inferentially or otherwise that some answer to a contact advertisement will win an ultimate grand prize and to cease representing that prize money will be given away unless the terms and conditions shall be clearly set forth in immediate connection with the offer.

No. 0845. E. C. Powers Co., Dorchester Center, Mass. To abandon representations that its preparation has been a real boon to those afflicted with hay fever, that it will prevent oncoming attacks of asthma, etc.

No. 0846. J. Goodman, Inc., New York City. To cease advertising that its product, "Alpflora System Purifying Tea," will "upbuild" body organs, increase one's strength and purify or cleanse body juices.

No. 1351. Keystone Company, Inc., New York City. To cease labeling its products as "Sheffield Reproduction" so as to imply erroneously that they were made in accordance with the process used in manufacturing Sheffield silverware or plate.

No. 1352. Atlantic and Pacific Tailoring Co., Inc., New York City. To cease using the word "tailoring" or "tailors" as part of its corporate name and to stop advertising that its suits are made to measure for the individual customer out of cloth corresponding to that shown by the salesman, when this is not the case, and to cease using the word "factory" to imply erroneously that it owns or operates a factory.

No. 1353. Brite Specialty Co., New York. To cease advertising that products were made in England, when they were made in this country, and to cease using the expression "Genuine English Leather Watch Strap" to describe products not made in England.

No. 1354. A. Hondroulis & Co., Inc., Baltimore, Md. To cease use of phrases such as "Italian product," etc., to describe products not wholly composed of oil imported from Italy.

No. 1355. The Kotol Co., Detroit. To desist from representing that its product, a waterproof coating for airplane propellors, has the Federal Government's approval.

No. 1356. John H. Swisher & Son, Jacksonville, Fla. To cease using words "hand made" so as to imply that their cigars are thus made.

No. 1357. Harris & Co., Indianapolis. Same stipulation.

No. 1358. Central Iron & Steel Co., Harrisburg, Pa. To cease designating its products as "open steel flooring" or "grating" when they do not come within the accepted trade meaning of the terms.

No. 1359. Phillips Packing Co., Cambridge, Md. To cease representing that its crops are inspected by airplane and not to make allegations tending to lead buyers into believing that such inspection would be practicable and that it would result in improving the quality of the company's canned vegetables and soups.

No. 1360. Jacobs, Holtzinger & Co., Windsor, Pa. To discontinue designating cigars as "Havana" when they do not contain Cuban tobacco.

No. 1361. James B. McComb, New York City. The respondent will discontinue advertising that his products, a rug cleaner and shampoo sold under the names "Hotelo" and "DeNovo," have the background of authority of Government chemists, because they are made by a patented formula, will cease asserting that the products are "O.K'd by Uncle Sam" or that the formula is protected by Government inspection.

No. 1362. Shulick-Taylor Co., Wheeling, W. Va. Will discontinue the use of the term "Wheeling" and "stogie" on cigars made elsewhere in such a way as to deceive buyers into believing these products to be of a grade and type commonly associated with the aforementioned terms. The company also will discontinue using the terms "hand-made" and "Perfectos Habana" except in the accepted trade meaning.

No. 1364. Gabriel's Laboratories, Tell City, Ind. The respondents will discontinue advertising their product, "Gabriel's Mange Formula," by the use of the words "Kills Mange Overnight," and similar terms, when all forms of dog mange cannot be cured by the product.

No. 1365. Par-Tex Hosiery Co., Dallas, Texas. The respondent will cease to represent that its products are guaranteed against wear or for a stated period and that hosiery in which a run is found within one year will be replaced free of charge, when this is not the case.

No. 1366. Nellie C. O'Brien, Milwaukee. The respondent will discontinue using the phrase "Is Not a Dye" in connection with her product, "O. B. Hair Stain," when this is not the case.

No. 0847. Sendol Company, Sedalia, Mo. The company will no longer advertise that acetanilid, in ordinary medicinal quantities, may weaken the heart to a greater extent than aspirin or that it is habit forming. It will not advertise that its product, containing aspirin and digitalis, is a scientific formula, safe for anyone to use, does not weaken the heart or is a competent treatment for aches and pains.

NAB FINANCIAL STATEMENT 1934

Below is published the financial statement of the NAB for the fiscal year 1934 as prepared by Spicer and Rees, certified public accountants, after an audit of the books of the Association. Since funds collected in connection with the copyright campaign are kept by the Treasurer in Philadelphia, that account will be audited separately and therefore is not included in this report. The NAB statement follows:

NATIONAL ASSOCIATION OF BROADCASTERS, INC.

BALANCE SHEET

As of December 31, 1934

ASSETS

Cash	$ 6.09
Petty Cash Fund	100.00
Treasury Bond 3-3/8's-43-47 #E-00086675	993.30
Assessments Receivable	
Estimated To Produce	
Receiver of District National Bank	762.85
Office Equipment	
Cost	3,009.79
	$4,962.03

LIABILITIES

Accounts Payable			$
Notes Payable			
Accrued Expenses			
Deferred Credits:			
Assessments billed, not realized (See comment)			
Prepaid Assessments			
Managing Director as Trustee:			
Surplus—December 31, 1933	$9,456.76		
Deficit from Operations Exhibit "B"	4,866.48	$4,590.28	
Add:			
Office Expense-Equipment purchased		346.75	
Profit on sale of U. S. Treasury Bond		25.00	4,962.03
			$4,962.03

STATEMENT OF INCOME AND EXPENDITURES

For the Period January 1 to December 31, 1934

Income:			
Assessments applicable to the period due and collected		$56,586.22	
Miscellaneous Income and Refunds		7,179.14	
Total			$63,765.36
Expenditures:			
1. Salaries	Schedule I	$20,585.91	
2. Office Expense	Schedule II	6,756.22	
3. Travel Expense		1,545.95	
4. General Expense	Schedule II	680.79	
5. Other Expenditures	Schedule III	39,062.97	
Total Expenditures			$68,631.84
Surplus from Operations-deficit			$ 4,866.48

STATEMENT OF MISCELLANEOUS INCOME AND REFUNDS

Year ended December 31, 1934

Miscellaneous Income:			
Sale of Hettinger Book		$1,279.75	
Assessment of prior years		8.75	
Sale of Binders		29.45	
Sale of Insignia		2.00	
Interest on U. S. Treasury Bond		46.25	
Personal Telephone Charges		68.90	
Sale of L. C. Smith Typewriter		22.50	$1,457.60
Refunds:			
Annual Convention		1,258.16	
Code Authority for the Radio Broadcasting Industry:			
Reimbursements	$150.00		
Telephone Charges	424.55		
Rent	918.50	1,493.05	
Copyright Defense Fund		200.95	
Debate Material		1,000.00	
General Hearings		1,764.38	
Radio Foundation		5.00	5,721.54
Total Miscellaneous Income and Refunds			$7,179.14

SALARIES EXPENSE

Year ended December 31, 1934

Executive:	$15,506.58
Clerical Employees:	4,853.33
Temporary Employees Not Employed December 31, 1934	226.00
	$20,585.91

STATEMENT OF OFFICE AND GENERAL EXPENSES

Year ended December 31, 1934

Office Expenses:	
Rent	$1,916.00
Office Equipment purchased	346.75
Telephone	725.28
Telegraph	1,497.04
Postage	693.29
Stationery and Supplies	515.58
Printing	434.28
Subscription and Publications	528.00
Publicity	100.00
Totals	$6,756.22
General Expenses:	
Miscellaneous	$ 395.79
Statutory Agent in State of Delaware	50.00
Compensation Insurance	29.88
Premiums on Bond	50.00
Taxes	155.12
Totals	$ 680.79

STATEMENT OF OTHER EXPENDITURES

Year ended December 31, 1934

Board of Directors' Meetings		$ 2,360.10
Business Index		2,682.30
Convention Expense		1,498.97
Commercial Meetings		233.61
Cost Accounting Committee		569.02
Convention-Lisbon		1,202.75
Code Authority for the Radio Broadcasting Industry		9,119.33
Debate Hand Book		2,895.38
General Hearings		9,273.17
Hettinger Hand Book		2,141.69
Legal Fees		1,894.30
Legislative Service		593.75
National Association of Broadcaster reports:		
Copyrighting	$ 114.00	
Postage	849.33	
Printing	3,295.57	4,258.90
Refunds		339.70
		$39,062.97

CASH ON HAND

December 31, 1934

Balance December 31, 1933	$ 122.57
Add:	
Sale of U. S. Treasury Bond 3's-51-55-#20833-C	4,750.00
	$4,872.57
Deduct:	
Deficit from Operation—as shown in Exhibit "B"	4,866.48
Total as shown in Balance Sheet	$ 6.09

Reconciliation of Bank Account:

Balance per Riggs National Bank Statement		$2,064.52
Less Outstanding checks:		
# 982	$130.60	
997	25.00	
998	25.00	
999	500.00	
1000	2.00	
1001	416.67	
1002	312.50	
1003	225.00	
1004	100.00	
1005	50.00	
1006	55.00	
1008	216.66	2,058.43
Balance December 31, 1934		$ 6.09

FURNITURE AND FIXTURES

Year ended December 31, 1934

As shown on Auditor's Report December 31, 1933			$2,753.04
Purchases During 1934:			
1—#201	Statutory Bronze Silverglo Lamp	$ 9.90	
1—	Radiator Cabinet and 2 Shields	22.75	
1—#445	Green Steel Case File	30.00	
1—	Desk Chairs Glass top for desk	70.00	
2—			
1—			
1—	Plate Top Glass 66 x 34	17.70	
1—	L. C. Smith Typewriter—8.12-1130520	115.00	
1—#201	Statutory Bronze Silverglo Lamp	9.90	
1—#100	C. Polar Desk Pad	5.00	
1—#445	Green Steel Case File	28.00	
1—# 20	Walnut Steel Case Waste Basket	2.50	
1—	Rug	36.00	346.75
			$3,099.79

ENGINEERING COMMITTEE MEETS

The NAB Engineering Committee met jointly with the IRE Broadcast Committee and the RMA Engineering Committee at the Hotel New Yorker, New York City, Wednesday, May 1.

The meeting was attended by the following members of the NAB committee: J. A. Chambers, Chairman; E. K. Cohan, H. A. Chinn, J. H. DeWitt, John E. Fetzer, Edward L. Gove, C. W. Horn, John V. L. Hogan, and J. C. McNary. The RMA and IRE committees were well represented, and the meeting was attended also by Mr. A. D. Ring, FCC Assistant Chief Engineer.

Among the subjects discussed were the high fidelity standards proposed for broadcasting stations by the FCC Engineering Department (NAB REPORTS, Vol. 3, No. 5, January 25, 1935). Opinions presented by various engineers on the proposed permissible values of audio distortion, frequency range, volume range, and noise level indicated the desirability of only minor modifications and clarifications of the proposed standards. As has been previously stated, the proposed standards will apply only to stations qualifying as high-fidelity stations.

The proposal that audio-frequency characteristics of radio transmitters be altered to emphasize transmission of the higher frequencies, with complementary alteration of high-frequency response of broadcast receivers in order to reduce the intensity of reproduced noise, received unfavorable discussion because of the obvious disturbance to the existing allocation scheme. It was pointed out that such operation would augment adjacent-channel interference.

The proposal made by Mr. L. F. Curtis, of the American Bosch Co., relative to compensation of frequency characteristics of studio equipment to provide various characteristics to be used with different classes of program material received considerable discussion. The suggestion of Mr. Curtis was based on figures made public some time ago by Dr. Harvey Fletcher, of Bell Telephone Laboratories, indicating that a flat frequency response is not desirable when the program material is reproduced at a relatively low intensity.

FCC REGULATES ATTORNEYS

The Federal Communications Commission en banc today adopted the following rule:

No one serving in the Federal Communications Commission on or after July 1, 1935, shall be permitted to practice, appear, or act as an attorney or agent in any case, claim, contest or other proceeding before the Commission or before any division or agency thereof, until two years shall have elapsed after the separation of the said person from the said service.

MODULATION MONITORS DEMONSTRATED

As an outgrowth of the conference called by Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commisison, held in the Commission's offices April 12, a demonstration of various modulation monitoring devices was held at Bell Telephone Laboratories, New York City, April 29 and 30.

The modulation monitors and volume indicators demonstrated included the conventional Western Electric volume indicators, used by the A. T. & T. Long Lines Department and by many broadcasting stations; a Western Electric 700-A volume indicator; volume indicators indicating peak amplitudes rather than rms amplitudes furnished by Bell Laboratories and by NBC; General Radio modulation monitor; RCA cathode ray oscilloscope; and several combinations of Weston indicating meters.

The demonstration brought considerable discussion by telephone company engineers and by engineers representing broadcasting stations and apparatus manufacturers.

After clarifying the test procedure, the test indicated that a volume indicator or modulation monitor showing peak amplitudes to be more desirable than the conventional type which indicates rms amplitudes.

Another meeting of interested parties will be called within the near future, at which time it is planned to reach a final decision regarding specifications for a modulation monitor.

FCC APPOINTS GOVERNOR GARDNER

Chairman Anning S. Prall, of the Federal Communications Commission, made the following statement today coincident with the appointment of former Governor O. Max Gardner, of North Carolina, as special counsel of the FCC in charge of the legal functions of its Telephone Division:

"In behalf of the Federal Communications Commission I am pleased to announce the appointment of O. Max Gardner, former governor of North Carolina, and a distinguished attorney, as chief of the legal staff of the Commission which will investigate the telephone industry in compliance with the resolution enacted by Congress ordering such an inquiry.

"Former Governor Gardner, who has been practicing law in Washington and in North Carolina since his retirement from the post of chief executive of his native state, comes to the Commission at great personal sacrifice. It was only after we had entreated him to accept the post that he finally was persuaded to return to public life for the duration of the telephone investigation. His salary will be $10,000 per annum.

"The Commission considers itself fortunate in procuring a man of Governor Gardner's attainments for this important work. It will be his responsibility to direct all legal operations incident to this investigation, which will invade the entire scope and activity of the American Telephone and Telegraph Co., as well as independent companies in the telephone field. For this investigation Congress has appropriated $750,000.

"The Telephone Division, with which former Governor Gardner will act, consists of Commissioner Paul A. Walker, Chairman, Colonel Thad H. Brown, Vice-Chairman, and myself."

POSTAL RULE RESCINDED

Order 6338, amending Paragraph 6, section 585, Postal Laws and Regulations (NAB REPORTS, Vol. 3, No. 16), providing for delivery of unaddressed mail, has been withdrawn.

FCC APPOINTS TELEPHONE ENGINEERS

The appointment of the following engineers to assist in the forthcoming telephone investigation was announced by the FCC, April 30: Manfred K. Toeppen, of Lansing, Michigan; George S. Macomber, of New York City; William H. Schlasman, of Reading, Pennsylvania; Harold G. Tufty, of Evanston, Illinois; Barry T. Benson, of Sherman, Texas; and George B. Donohue, of Milwaukee, Wisconsin.

COMMISSIONER WALKER NAMES SECRETARY

Mr. Walter B. Emery, of Norman, Oklahoma, Director of Forensics at the University of Oklahoma since 1929, has secured a leave of absence for the summer from his duties at the University of Oklahoma, to assume the duties of Secretary to Commissioner Paul A. Walker, Chairman of the Telephone Division. He will take over the work of Mr. John J. Hassler, who was recently appointed as Executive Assistant to the Assistant Engineer in charge of Telephones.

Mr. Emery was born at Howe, Oklahoma, in 1907. He is a graduate of the Shawnee, Oklahoma, High School; of the Oklahoma Baptist University, A.B., 1929; of the School of Law of the University of Oklahoma, LL.B., 1934; and has done graduate work in government and political science. He has also completed a number of courses in Law and Economics dealing with public utilities. He has been a member of the Oklahoma State Bar since 1933.

Upon graduation from the Oklahoma Baptist University, he was employed as field representative for that school until he became Director of Debating at the University of Oklahoma, in the fall of 1929. Mr. Emery has been an outstanding student. He won a number of state and regional contests in debate and oratory and is a member of honor, scholastic and debating organizations. He is co-author of a manual of debate and parliamentary practice which is now used as a text in the University of Oklahoma.

Mr. Emery's duties at the University of Oklahoma have included the direction of Radio Station WNAD at the University. Mr. Emery is married and has one child.

RECOMMENDS LICENSE FOR WAAT

Broadcasting station WAAT, Jersey City, N. J., using a frequency of 940 kilocycles, 500 watts power and daytime until 6 p. m., applied to the Federal Communications Commission for a license renewal and license to cover the construction permit granted.

R. H. Hyde(e), in Report No. I-42, recommends that the application for a license following construction of a new transmitter already authorized be granted. The issue in this case was the determination of the character of the service of the station and to determine whether the continued operation would serve public interest.

NEW CALIFORNIA STATION RECOMMENDED

Richard Field Lewis filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Del Monte, Cal.

Ralph L. Walker(e), in Report No. I-41, recommends that the application be granted. It was for the use of 1210 kilocycles, 100 watts power and unlimited time. The Examiner found that the applicant was in all ways qualified to construct and operate such a station, that there is a substantial need for the service in the area to be covered and that the proposed station would not interfere with any existing facilities.

RECOMMENDS DENYING AS IN DEFAULT

Bailey Brothers filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at San Diego, Calif., to use 1420 kilocycles, 100 watts power and unlimited time on the air.

Ralph L. Walker(e), in Report I-43, has recommended that the application be denied as in cases of default. It appears from the record that when the case was called for hearing the applicants did not appear. Also that the applicants had asked for a postponement of the date of hearing originally set which was not granted by the Commission.

RECOMMENDS AGAINST NEW STATION

The Journal Company, Milwaukee, Wis., filed an application with the Federal Communications Commission asking that it be granted a construction permit for a new regional broadcasting station to be operated on 1010 kilocycles, 1,000 watts power and unlimited time on the air.

R. H. Hyde(e), in Report No. I-46, recommends that the application be denied. The Examiner found that "no sufficient public need for the particular service proposed is shown to sustain an affirmative finding that the granting of a permit therefor would serve the public interest."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Bondholders' Protective Committee for bonds of Wheeler Timber Company, Chicago, Ill. (2-1384, Form D-1).
Arthur K. Ohmes et al., New York City. (2-1387, Form D-1).
Insured Investors, Inc., Kansas City, Mo. (2-1388, Form C-1).
Motors Securities Company, Inc., Shreveport, La. (2-1389, Form A-1).
Penn Valley Crude Oil Corp., Wilmington, Del. (2-1390, Form A-1).
Atlantic & Pacific Mining Company, Pony, Mont. (2-1391, Form A-1).
Bonanza Consolidated Gold Mines, Inc., Detroit, Mich. (2-1392, Form A-1).
Corporate Leaders Reserve Fund, Inc., New York City. (2-1393, Form A-1).
Bondholders Committee Southern New England Ice Co., Buffalo, N. Y. (2-1394, Form D-1).
Pacific American Fisheries, Inc., South Bellingham, Wash. (2-1395, Form A-2).
Doris Ruby Mining Company, Buena Vista, Col. (2-1349, Form A-1).

RECOMMENDS AGAINST INCREASED POWER

Station WMBR, Jacksonville, Fla., filed an application with the Communications Commission asking that it be allowed to increase its power to 250 watts local sunset. At present it operates with 100 watts, unlimited time, on 1370 kilocycles.

Melvin H. Dalberg(e), in Report No. I-45, recommends that the application be denied. He found that the State of Florida is over quota on daytime assignments.

RECOMMENDS DENYING TEXAS CHANGES

Three applications were made to the Federal Communications Commission, each requesting the use of 940 kilocycles. Melvin H. Dalberg(e), in Report No. I-44, recommends that all of the applications be denied.

Station KMAC, San Antonio, Texas, now operating on 1370 kilocycles, 100 watts power, sharing time with KONO, asked for an experimental license to install a directional antenna and operate on 940 kilocycles; 500 watts unlimited time. Station KFYO, Lubbock, Texas, on 1310 kilocycles, 100 watts, 250 watts L. S., unlimited time, asked to install new equipment and operate on 940 kilocycles, 500 watts unlimited time. Station KGKL, San Angelo, Texas, on 1370 kilocycles, 100 watts, 250 watts L. S., unlimited time, requested permit to install new equipment and operate on 940 kilocycles, 1000 watts L. S., unlimited time. The Examiner states, among other things, that simultaneous operation of any or all of these stations on 940 kilocycles would be impossible because of inadequate mileage separation.

STEWART NEW VICE CHAIRMAN

While no official announcement has been made, Commissioner Stewart has been made vice-chairman of the Federal Communications Commission.

RECOMMENDS AGAINST CALIFORNIA STATIONS

A. Tornek and R. Lille filed an application with the Federal Communications Commission for a construction permit for a new station to be erected at East Los Angeles, Calif., to use 820 kilocycles, 250 watts, and operating simultaneously with WHAS.

Also, Fred L. Packard and A. Rosenberg asked for a construction permit for a new station to be erected at Los Angeles, Calif., to use 1160 kilocycles, 250 watts daytime operation.

Ralph L. Walker(e), in Report No. I-47, recommends that both of the applications be denied. The Examiner found that "the operation of either of the proposed stations would result in objectionable interference with existing stations."

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

W8XCE—Westinghouse Electric and Manufacturing Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. to install new equipment and to operate on additional frequencies **31600, 35600, 38600, 41600, 55500, 60500, 86000-400000 kc.**, 150 watts. Also granted license covering same.

NEW—Westinghouse Electric and Manufacturing Co., Portable-Mobile, Chicopee Falls, Mass. (2 applications).—Granted C. P. (exp.-spec. exp.), frequencies same as above; power 50 watts. Also granted license covering same.

W6XB—Earl A. Nielson, Portable-Mobile (Phoenix, Ariz.).—Granted C. P. replacing old transmitter with new one and increase in power from 3 to 15 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted extension of special temporary experimental authorization to operate with an additional 250 watts night, for the period May 1, 1935, and ending not later than May 31, 1935.

WOL—American Broadcasting Co., Washington, D. C.—Granted C. P. to make changes in equipment.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted modification of C. P. approving proposed transmitter site; C. P. authorized to operate on **1210 kc.**, 100 watts, unlimited time.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of C. P. extending commencement date to 5-1-35 and completion date to 12-1-35.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Granted consent to voluntary assignment of license to Plains Radio Broadcasting Co.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted C. P. to move transmitter locally.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted modification of license to increase power from 250 watts night, 500 watts LS, to 500 watts day and night.

NEW—Hart & Nelson, High Point, N. C.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts day. Daytime hours.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WJMS—WJMS, Inc., Ironwood, Mich.—Granted license to cover C. P. authorizing move of transmitter; **1420 kc.**, 100 watts, unlimited time.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted license to cover C. P. authorizing erection of a new station to operate on **1200 kc.**, 100 watts, unlimited time.

KGKY—Hilliard Co., Inc., Scottsbluff, Nebr.—Granted license to cover C. P. authorizing installation of new equipment and increase in power; **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. making changes in equipment; frequency **1410 kc.**, 500 watts day and night, sharing with WROK.

WJTL—Oglethorpe University, Inc., Atlanta, Ga.—Granted modification of license to move studio from Oglethorpe University, Georgia, to Volunteer Life Bldg., Atlanta, Ga.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted modification of C. P., amending it so as to request changes in equipment, approval of transmitter site, and extension of commencement date to 30 days after grant and completion date to 6 months thereafter.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of C. P., amending it so as to request changes in equipment; cancel request for change in day power from 5 KW to 2½ KW, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted amended modification of license authorizing change in power from 500 watts night and day to 500 watts night, 1 KW day; **1400 kc.,** unlimited time.

KJBS—Station KJBS, San Francisco, Calif.—Granted authority to use present antenna system in lieu of that authorized by C. P. until such time as more suitable location can be obtained and an efficient antenna system installed.

WKAR—Michigan State College, E. Lansing, Mich.—Granted C. P. to make changes in equipment.

W8XH—WBEN, Inc., Buffalo, N. Y.—Granted C. P. (exp.-gen. exp.) to install new transmitter and increase power from 50 to 100 watts.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted C. P. to install new transmitter and increase power to 1 KW day, 500 watts night, and change transmitter site.

KWSC—State College of Washington, Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power from 2 KW to 5 KW.

WCFL—Chicago Federation of Labor, York Township, Ill.—Granted modification of C. P. to extend completion date from 5-1-35 to 6-15-35.

KGW—Oregonian Publishing Co., N. Portland, Ore.—Granted license to cover C. P. authorizing increase in day power to 5 KW; frequency **620 kc.,** 1 KW night, unlimited time.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted license covering C. P. authorizing changes in equipment.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted license covering C. P. to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted authority to install automatic frequency control.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of C. P. as modified to extend commencement date to 5-1-35 and completion date to 12-1-35.

W8XCE—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted renewal of special experimental station license for period April 24, 1935, to July 24, 1935, in exact conformity with existing license.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a temporary basis for the period May 1 to November 1, 1935, subject to such action as the Commission may take on their pending applications for renewal:

WARD, WBBC, WBBR, WLTH, WVFW, all of Brooklyn, N. Y.; WDAG, Amarillo, Tex.; WHAZ, Troy, N. Y.; WFAB New York City.

The following stations were granted extensions of their present licenses for a period of one month, from May 1 to June 1, 1935, on a temporary basis subject to such action as may be taken on their pending applications for renewal:

KGDY, Huron, S. Dak.; WCBA, Allentown, Pa., and auxiliary; WRBX, Roanoke, Va.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted renewal of license for the period ending June 1, 1935.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted renewal of license for the period ending July 1, 1935.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted renewal of license for the period ending August 1, 1935.

WDSU—WDSU, Inc., New Orleans, La.—Granted renewal of license for the period ending October 1, 1935.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted renewal of license for the period ending October 1, 1935, also granted same for auxiliary.

WHA—University of Wisconsin, Madison, Wis.—Granted renewal of license for the period ending October 1, 1935.

WKAR—Michigan State College, E. Lansing, Mich.—Granted renewal of license for the period ending August 1, 1935.

WLB—University of Minnesota, Minneapolis, Minn.—Present license extended on a temporary basis for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Present license extended on a temporary basis for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Present license extended on a temporary basis for a period of one month from May 1 to June 1, 1935, subject to such action as may be taken on application for renewal pending before the Commission.

WQAM—Miami Broadcasting Co., Miami, Fla.—Present license extended on a temporary basis from May 1 to June 1, 1935, subject to such action as may be taken on pending application for renewal. The Commission denied applicant's petition for renewal of license on a permanent basis.

W6XZ—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of special experimental station license for the period May 1, 1935, to May 1, 1936, in exact conformity with existing license.

W6XAH—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of visual broadcasting station license for experimental service, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing license.

W4XB—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Present relay broadcasting station license in the experimental service was extended for a period of 1 month from May 1 to June 1, 1935, upon a temporary basis only, subject to such action as may be taken on pending application for renewal.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Present relay broadcasting station license in the experimental service was extended for a period of 1 month from May 1 to June 1, 1935, upon a temporary basis only, subject to such action as may be taken on pending application for renewal.

SET FOR HEARING

NEW—Connecticut Broadcasting Co., Edward Mirante and Arthur Faske, New Britain, Conn.; Stockholders: Edward Mirante and Arthur Faske.—Application for C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex. (Site to be determined).—Application for C. P., **1210 kc.,** 100 watts, unlimited time.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Application for C. P. to make changes in equipment and increase day power from 100 watts to 250 watts. (Present assignment: **1210 kc.,** 100 watts, unlimited.)

NEW—Southern Oregon Pub. Co., Roseburg, Ore.—Application for C. P., **1500 kc.,** 100 watts, daytime.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Application for special experimental authorization to operate on **1240 kc.** with 500 watts night and 1 KW day; move station locally to location subject to approval of Commission; also install new equipment. (Present assignment: **1500 kc.,** 100 watts; unlimited C. P. for 100 watts night, 250 watts day.)

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Application for C. P. amended so as to read: **1380 kc.,** 500 watts daytime.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for C. P. amended so as to read: Make changes in equipment, increase power from 100 watts night and day to 100 watts night, 250 watts day. (Present assignment: **1370 kc.,** 100 watts, shares KCRC.)

WWL—Loyola University, New Orleans, La.—Application for modification of license to change hours of operation from S.H. to unlimited. (Frequency **850 kc.,** 10 KW night and day; S.H.)

KGY—KGY, Inc., Olympia, Wash.—Application for modification of license to increase hours of operation to unlimited time except when KTW is operating. (Frequency **1210 kc.,** 100 watts, S.H.)

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Application for special experimental authorization to make changes in equipment; change frequency to **1250 kc.**; increase power to 250 watts, 500 watts LS, S.H. (1 a. m. to 6 a. m.). (Present assignment: **1200 kc.**, 100 watts night, 250 watts day, hours unlimited.)

WFEA—New Hampshire Broadcasting Co., Merrimack, N. H.—Renewal of license. Granted temporary authorization to operate pending action taken on renewal.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license. Granted temporary license pending hearing.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Renewal of license. Granted temporary license pending hearing.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Application for C. P. to make changes in equipment; change frequency from **1420 kc.** to **1300 kc.**; increase power from 100 watts night, 250 watts day, to 500 watts night and day.

WEED—William Avera Wynne, Rocky Mount, N. C.—Application for C. P. to make change in equipment; increase power from 100 watts to 250 watts day and night; change hours from U-day, S-WEHC night, to unlimited; and change frequency from **1420 kc.** to **1350 kc.**

KHJ—Robert K. Herbst, Moorehead, Minn.—Application for C. P. amended so as to request site to be determined in Moorehead, instead of a location in Fargo, N. Dak.; **1310 kc.**, 100 watts, unlimited.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Application for C. P. to make changes in equipment; move transmitter locally in Chicago; change hours of operation from daytime SA, operate 5-6 a. m., CST, to unlimited. (Application amended to request 1 KW day power with directional antenna.)

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Application for C. P. to increase power from 500 watts to 5 KW daytime, and make changes in equipment.

NEW—North Side Broadcasting Corp., New Albany, Ind.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Application for C. P. for new station to operate on **1210 kc.**, 100 watts day, daytime hours.

NEW—Miles J. Hansen, Fresno, Calif.—Application for C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Application for C. P. to make changes in equipment and increase power from 500 watts to 1 KW.

KGCU—Mandan Radio Asso., Inc., Mandan, N. Dak.—Application for modification of license to change frequency from **1240 kc.** to **1230 kc.**, and S.H. to unlimited.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Application for modification of license to change hours of operation from sharing with KBBZ to unlimited.

KPJM—Scott and Sturm, Prescott, Ariz.—Renewal of license; **1500 kc.**, 100 watts, unlimited time.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Application for modification of license to increase power to 1 KW night and day.

ACTION ON EXAMINERS' REPORTS

KSLM—Ex. Rep. No. 1-26: Oregon Radio, Inc., Salem, Ore.—Application for modification of C. P. to change hours of operation from daytime to unlimited granted; station operates on **1370 kc.**, 100 watts. Examiner R. L. Walker sustained. Order effective May 7, 1935.

WBIG—Ex. Rep. No. 1-31: North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Oral argument granted for June 13, 1935.

NEW—Ex. Rep. No. 1-43: Bailey Bros., San Diego, Calif.—Denied as in cases of default application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Examiner Walker sustained.

APPLICATION DENIED

NEW—Amzi G. Barber, Montgomery, Ala.—C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time, heretofore set for hearing, was denied as in cases of default for failure to file appearance and statement of facts in accordance with Rule 28b.

APPLICATIONS DISMISSED

The following applications, heretofore designated for hearing, were dismissed at request of applicants:

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license, **1430 kc.**, 1 KW, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., **1250 kc.**, 250 watts, 500 watts LS, unlimited time.

KMO—KMO, Inc., Tacoma, Wash.—Modification of license, **1330 kc.**, 500 watts, unlimited time.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, **630 kc.**, 500 watts, unlimited time.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license, **970 kc.**, 500 watts, 1 KW LS, unlimited time.

NEW—Clark Standiford, Chico, Calif.—C. P., **1210 kc.**, 100 watts, unlimited time.

WBAA—Purdue University, W. Lafayette, Ind.—Modification of license, **890 kc.**, 500 watts, 1 KW LS, specified hours.

WBNS—WBNS, Inc., Columbus, Ohio.—Modification of license, **1430 kc.**, 1 KW, unlimited time.

NEW—Twin Cities Broadcasters, A. R. Ebrite, E. R. Ristine, and J. D. Kolesar (Gen. Mgr.), Centralia, Wash.—C. P., **1200 kc.**, 100 watts, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license, **1240 kc.**, 1 KW, unlimited time.

MISCELLANEOUS

WQAM—Miami Broadcasting Co., Miami, Fla.—Application for authority to remove auxiliary transmitter, heretofore granted, was retired to closed files for want of prosecution.

NEW—Utah Broadcasting Co., Salt Lake City, Utah.—Granted petition to reopen proceedings for additional testimony in prosecution of application for C. P. for station to operate on **1500 kc.**, 100 watts.

KFBK—James McClatchy Co., Sacramento, Calif.—Oral argument to be heard June 13, 1935, before Broadcast Division on application for C. P. because of written request of L. B. Wilson, Inc., a respondent.

E. W. Patrick, Brookfield, Mo.—Application for C. P. for station to operate on **1310 kc.** withdrawn from docket because of an amendment asking use of frequency **1210 kc.** instead.

WDAY—WDAY, Inc., Fargo, N. Dak.—Denied right to intervene at hearing of application of Robert K. Herbst for new station at Moorhead, Minn., to operate on **1310 kc.**, 100 watts.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Dismissed from docket application to assign license from Otis Perry Eure to Geo. T. Bishop, as proposed contract has been abrogated.

WTCN—Minn. Broadcasting Co., Minneapolis, Minn.—Permitted to operate for 30 days under the program tests during adjustment of engineering troubles.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted renewal of license.

WDRC—WDRC, Inc., Hartford, Conn.—Granted renewal of license.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Granted renewal of license for period ending 3 a. m., EST, August 1, 1935.

WJJD—WJJD, Inc., Chicago, Ill.—Denied petition requesting that Commission grant C. P. to move to Des Plains, Ill.

The Commission today granted stations WJAG, KTHS, WBAL, KRLD, WTIC and KWJJ extensions of special experimental authorizations in exact accordance with present authorizations, for a period ending in no event later than 3 a. m., EST, August 1, 1935.

The Commission directed that Station WESG change its frequency from **850 kc.** and be granted special experimental authorization to operate on **1000 kc.** until sunset at Des Moines, Iowa, for the period ending August 1, 1935. Station WESG is allowed until May 15, 1935, to make this change and operate on **850 kc.** until that time.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Application to move transmitter locally, heretofore granted, was retired to closed files for want of prosecution.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Denied special temporary authorization to operate with power of 250 watts from local sunset (6:45 p. m., CST) May 3 to 6 a. m., CST, May 4, 1935, in order to broadcast station's first anniversary celebration.

WBNX—Standard Cahill Co., New York City.—Set for hearing application for modification of license to increase night power from 250 to 500 watts.

WILL—University of Illinois, Urbana, Ill.—Suspended grant to change frequency from **890 kc.** to **580 kc.**, daytime, 1 KW, and designated for hearing application to make changes because of the protest of WIBW, Topeka, Kans.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Set for hearing application for renewal and granted temporary license.

WCBS—WCBS, Inc., Springfield, Ill.—Suspended grant to change frequency from **1210 kc.** to **1420 kc.**, and hours of operation from sharing with WTAX to specified hours, and set for hearing application for changes because of protests of stations WHFC, WEHS, and WKBI.

WELL—Enquirer-News Co., Battle Creek, Mich.—Suspended grant and set for hearing application to make changes in equipment, to increase power to 100 watts, and to move studio and transmitter locally, because of protest of WMBC, Detroit, Mich.

NEW—J. H. Hallock, Portland, Ore.—Denied request for continuance of hearing scheduled for May 20, on application for C. P. for new radio station at Vancouver, Wash., to operate on **1500 kc.**, 100 watts.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Suspended grant and set for hearing application to make changes in equipment and to increase power from 100 watts day and night to 100 watts night, 250 watts day, because of protest of WLBC, Muncie, Ind.

APPLICATIONS RECEIVED

550 NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for new station on **550 kc.**, 250 watts, unlimited time.

570 WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Voluntary assignment of license to WNAX Broadcasting Co.

600 KLPM—John B. Cooley, Minot, N. Dak. (filed under name of Northwest Radio Service, Inc.).—Modification of license to change frequency from **1240 kc.** to **600 kc.**, time from S.H. to unlimited, call letters from KLPM to KFEU.

600 WREC—WREC, Inc., Memphis, Tenn.—Modification of special experimental authorization to install directional antenna, for period ending 9-1-35.

600 WMT—Waterloo Broadcasting Co., Des Moines, Iowa.—Modification of special experimental authorization to install directional antenna for period ending 9-1-35.

670 WMAQ—National Broadcasting Co., Bloomingdale, Ill.—Modification of C. P. for extension of time, approval of antenna, and approval of exact location.

680 KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Voluntary assignment of license from Scroggin & Co. Bank to KFEQ, Inc.

680 NEW—George B. Storer, Detroit, Mich.—Construction permit for new broadcasting station to be operated on **680 kc.**, 1 KW, daytime.

750 WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction permit to install new equipment, increase power from 10 to 50 KW day and night.

760 KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to install new equipment, increase day power from 1 KW to 5 KW, change frequency from **920 kc.** to **760 kc.**, and move transmitter from West Waterway, Harbor Island, to 26th Ave. S. W. and Florida St., West Waterway, Seattle, Wash.

780 KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license to change frequency from **1440 kc.** to **780 kc.**, requesting frequency used by KGHL.

850 WESG—Cornell University, Ithaca, N. Y.—Special experimental authority to operate on **850 kc.** from daylight to sunset, New Orleans, La.

890 WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change specified hours.

900 WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction permit to make minor changes in equipment, move transmitter and studio from 600 State St. to 510 Main St., Quincy, Ill.

900 KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Construction permit to make changes in equipment and increase power from 500 watts to 1 KW, 5 KW day.

950 KHSL—William Schield, Sydney R. Lewis, Harold Smithson, Trustees, Golden Empire Broadcasting Co., Ltd., Chico, Calif. —License to cover construction permit (B5-P-281) as modified, for a new station.

970 NEW—International Ladies Garment Workers Union, to be determined, New York.—Construction permit for authority to erect a new broadcast station to be operated on **970 kc.**, 1 KW power, unlimited time.

970 WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to change frequency from **1300 kc.** to **970 kc.**, install new equipment, increase power from 1 to 5 KW, move studio locally. Amended: Change requested power from 5 KW to 1 KW night, 5 KW day.

1040 KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special authorization to operate simultaneously with WTIC for period ending 8-1-35.

1040 WTIC—The Travelers Broadcasting Corp., Hartford, Conn.—Extension of special experimental authorization to change frequency from **1060 kc.** to **1040 kc.**, and change from S-WBAL to simultaneous operation with KRLD (unlimited) for period 5-1-35 to 8-1-35.

1060 KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special authorization to operate on **1060 kc.** simultaneously with WBAL from 6 a. m. to sunset daily, suspend until 8 p. m., and unlimited from then to midnight, for period ending 8-1-35.

1060 WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate simultaneously with KTHS on **1060 kc.**, 10 KW, from 6 a. m. to sunset at Hot Springs, Ark., to operate on **1060 kc.**, 10 KW, from sunset to 9 a. m., EST, and to synchronize with WJZ on **760 kc.**, 2½ KW, after 9 p. m.

1120 KFIO—Spokane Broadcasting Corp., Spokane, Wash.—License to cover construction permit (B5-P-153) to move transmitter and install new equipment.

1160 NEW—Pauline Holden, Porterville, Calif.—Construction permit for new station to be operated on **1160 kc.**, 100 watts, daytime.

1200 NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—C. P. for new station, **1200 kc.**, 100 watts, unlimited time, amended to give names of partners.

1200 WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Modification of license to change hours of operation from share WKJC to unlimited. (Requests facilities of WKJC when they move to Easton, Pa.)

1200 NEW—Thames Broadcasting Corp., New London, Conn.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

1210 KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak. —Construction permit to increase power from 100 watts to 100-250 watts day. Amended: Install new equipment.

1210 NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for new station to be operated on **1210 kc.**, 100 watts power, daytime.

1210 NEW—Fred S. Rogers, Glens Falls, N. Y.—Construction permit for new station to be operated on **1210 kc.**, 100 watts power, unlimited time (consideration under 307 (b)).

1210 WPAX—H. Wimpy, Thomasville, Ga.—Construction permit to make changes in equipment, increase power from 100 watts day to 250 watts day. Amended: Transmitter site and antenna to be determined.

1210 NEW—Farmers & Bankers Life Ins. Co., Wichita, Kans.—Construction permit for new station on **1210 kc.**, 100 watts, unlimited time. Amended: Hours of operation.

1210 NEW—Clark Standiford, Marysville, Calif.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change frequency to **1210 kc.** and make changes in equipment.

1210 NEW—Clark Standiford, San Diego, Calif.—Construction permit to erect a new station to be operated on **1210 kc.**, 100 watts, daytime.

1210 KGY—KGY, Inc., Olympia, Wash.—Extension of special experimental authorization to operate additional specified hours. Amended to change hours of operation to unlimited except when KTW is operating.

1210 NEW—Clark Standiford, Fresno, Calif.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change frequency to **1210 kc.** and make changes in antenna.

1230 KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—License to cover construction permit (B5-P-74) to make changes in equipment and move transmitter and studio.

1240 KIPM—John B. Cooley, Minot, N. Dak.—Voluntary assignment of license to Northwest Radio Service, Inc.

1250 WCAL—St. Olaf College, Northfield, Minn.—C. P. to install new equipment and increase day power to 5 KW.

1310 WOL—American Broadcasting Co., Washington, D. C.—Construction permit to make changes in equipment.

1310 NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit for new station to be operated on **1310 kc.**, 100 watts power, unlimited time. Amended to determine antenna later. Transmitter site to be determined.

NEW—A. Staneart Graham, E. V. Baxter, Norman Baxter, d/b as
1310 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited. Amended: Omit Lester E. Cox as a partner and substitute Norman Baxter.

NEW—Review Publishing Co. (Pearl B. Robinson, Owner),
1310 Moscow, Idaho.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited time.

KFPM—Dave Ablowich, d/b as The New Furniture Co., Green-
1310 ville, Tex.—Voluntary assignment of license to the Voice of Greenville.

NEW—Century Broadcasting Co., Inc., Richmond, Va.—Construc-
1310 tion permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended to change frequency to **1370 kc.** and hours of operation to daytime.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—
1310 Modification of construction permit (B3-P-376) for approval of transmitter site and move studio to same site from Floridan Hotel, corner Monroe and Call Sts., to Thomasville Highway, .42 miles north of city limits at new county road, Tallahassee, Fla., and make changes in equipment (antenna) and extend commencement and completion dates.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—License to cover
1310 construction permit (B2-P-288) for new station on **1310 kc.**, 100 watts, unlimited.

WORK—York Broadcasting Co., York, Pa.—Modification of license
1320 to change frequency from **1000 kc.** to **1320 kc.**, operating power from 1 KW to 1 KW day, non-directional, 1 KW night, directional; hours of operation from daytime to unlimited.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to
1320 cover construction permit (B4-P-322) to move transmitter and make equipment changes.

NEW—Caller-Times Publishing Co., Corpus Christi, Tex.—Con-
1330 struction permit to erect a new broadcast station to be operated on **1330 kc.**, 1 KW power, unlimited time.

NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended re transmitter site.

NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—
1370 Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Equipment, antenna.

WPAY—Vee Bee Corp., Portsmouth, Ohio.—License to cover C. P.
1370 to install new equipment and move station from Mount Orab to Portsmouth, Ohio.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—License to
1370 cover C. P. for new station.

WJTL—Oglethorpe University, Atlanta, Ga.—Modification of
1370 license to move studios locally.

NEW—George E. Heiges, Sharon, Pa.—Construction permit for a
1370 new broadcast station on **1370 kc.**, 250 watts day, 100 watts night power, unlimited time.

NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Transmitter site and antenna to be determined.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Con-
1370 struction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended to change frequency to **1420 kc.**, power to 100 watts, and hours of operation to daytime.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—Con-
1370 struction permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited.

WMFE—William J. Sanders, New Britain, Conn.—Modification
1380 of construction permit as modified to make equipment changes and designate transmitter site and extend commencement and completion date. Amended: Studio site, 300 Main St., New Britain, Conn.

WMFE—William J. Sanders, New Britain, Conn.—Modification of
1380 construction permit (B1-P-81) as modified to extend completion date from 5-16-35 to 6-16-35.

KOH—The Bee, Inc., Reno, Nev.—Modification of license to in-
1380 crease daytime operating power from 500 watts to 1 KW.

NEW—Robert Louis Sanders, Palm Beach, Fla.—Construction per-
1420 mit for new station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Transmitter site to be determined.

NEW—Roberts MacNab Hotel Co., Arthur L. Roberts, R. B.
1420 MacNab, A. J. Breitbach, Gen. Manager, Jamestown, N. Dak. —Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Minor equipment changes, change transmitter site from 418 Front St., Jamestown, N. Dak., to site to be determined.

NEW—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Volun-
1420 tary assignment of license to Olean Broadcasting Co., Inc.

WLEU—Leo J. Omelian, Erie, Pa.—License to cover construction
1420 permit (B2-P-533) for new station to be operated on **1420 kc.**, 100-250 watts day, unlimited time.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Modification of
1420 construction permit (B4-P-323) as modified to change the make of transmitter.

KXYZ—Harris County Broadcast Co., Houston, Tex.—License to
1440 cover construction permit (B3-P-282) to make changes in equipment, increase power from 500 watts to 1 KW.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Con-
1500 struction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to
1500 erect a new station to be operated on **1150 kc.**, 100 watts, unlimited time. Amended to change frequency to **1500 kc.** and hours of operation to daytime.

WNBF—Howitt Wood Radio Co., Inc., Binghamton, N. Y.—License
1500 to cover construction permit (B1-P-533) to make changes in equipment and increase power.

KAST—Abraham Shapiro, Astoria, Ore.—Modification of construc-
1500 tion permit (B5-P-3126) to change frequency from **1370 kc.** to **1500 kc.**, time from daytime to unlimited, and power from 100 watts daytime to 100 watts day and night.

KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean,
1500 L. M. Sepaugh), Lake Charles, Fla.—License to cover construction permit (B3-P-63) as modified for new station on **1500 kc.**, 100 watts, unlimited time.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—
1500 Construction permit for new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: Change type of transmitter, and transmitter and studio site to be determined, Yreka, Calif.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN MARCH

Developments of the Month

BROADCAST advertising in March reached what is probably the highest level attained by the medium in any single month. Gross time sales totalled $8,287,740 and were greater than for any period since the establishment of the NAB summaries of advertising volume.

General seasonal increases were experienced during the month. Total advertising volume was 15.0% greater than in February. National network volume increased, 10.8%; regional networks, 32.7%; national non-network business, 10.0%; and local broadcost advertising, 35.5%.

Comparison with Previous Year

Total broadcast advertising volume in March was 18.0% greater than for the same month of the previous year. National network advertising showed an increase of 23.0%, regional networks 16.1%, and local volume 25.7%. National non-network advertising, alone, decreased. Gross time sales in this field were 2.5% below those of March, 1934.

Comparison with Other Media

Compared with the 15.0% rise in broadcast advertising as against February, national magazines increased 28.6%, newspapers by a similar amount, and national farm papers, 9.0%. Part of this increase was seasonal. National magazine volume was 12.3% ahead of March, 1934, newspaper advertising 11.2% greater, and national farm paper advertising 7.6% above last March.

Non-network Trends

Increased network volume is reflected in the fact that non-network advertising over stations of more than 1,000 watts in power increased but 9.0% as compared with February, whereas that of stations in the 250-1,000-watt group rose 40.6% and that of the 100-watt class increased 29.7%. The non-network advertising of all classes of stations was approximately 11.0% greater than in March, 1934.

Heaviest increases in non-network volume during the month occurred in the New England-Middle Atlantic Area, where gross time sales rose 35.4%. Southern volume rose 20.9%, Mountain and Pacific non-network advertising increased 21.3%, and Mid-western volume 14.8%. Compared with March, 1934, Southern non-network advertising was 28.5% greater, Mid-western 8.0%, and Mountain and Pacific volume 47.1% greater. New England-Middle Atlantic non-network advertising was 9.6% below last March, undoubtedly due to the rise in network advertising.

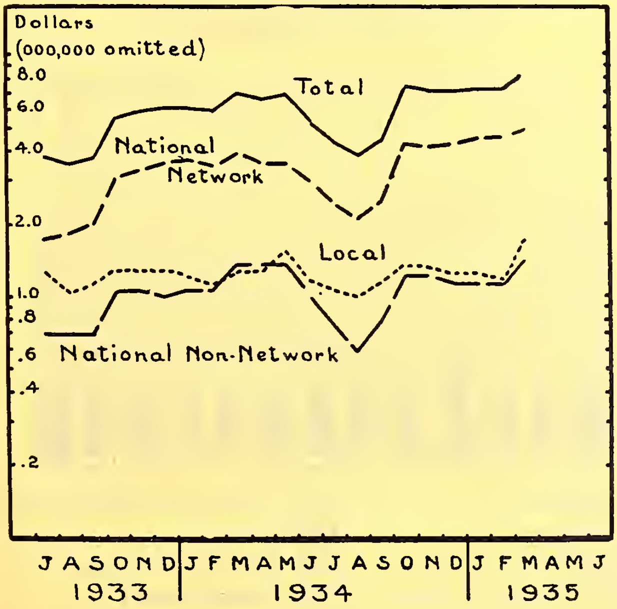
Practically all types of rendition experienced increased volume during the month. Electrical transcription volume, however, was below the March, 1934, level by 12.3% in the national non-network field and just equalled the previous year in local broadcast advertising. Live talent and announcement advertising in the national non-network field were 2.2% and 6.4% above last March, respectively. In the local field, increases over the same month of 1934 were as follows: Live talent 31.2%, announcements 18.9%, and records 20.0%.

Sponsor Trends in March

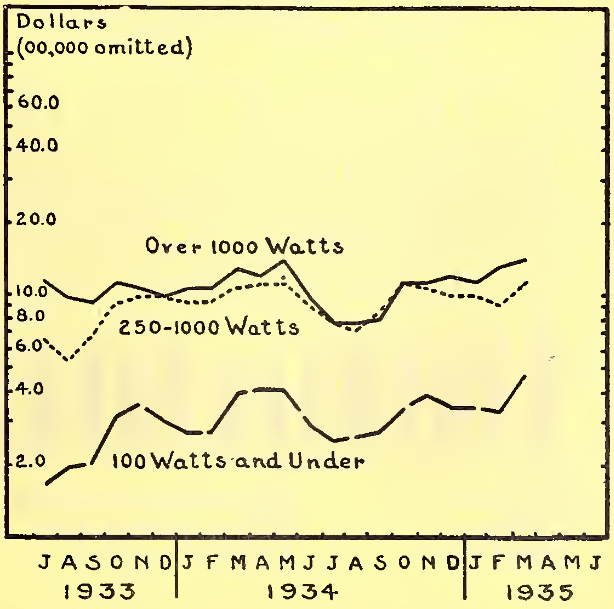
Principal increases as compared with February were recorded in national non-network and local automotive advertising, which rose 123.0% and 54.2%, respectively; local clothing advertising, which increased 58.7%; national non-network toilet goods volume, which gained 31.1%; and national network and local house furnishings advertising. Network advertising of this type practically doubled the previous month's level, while local advertising increased 70.0%.

There were several notable gains as compared with March, 1934. All forms of automotive advertising showed

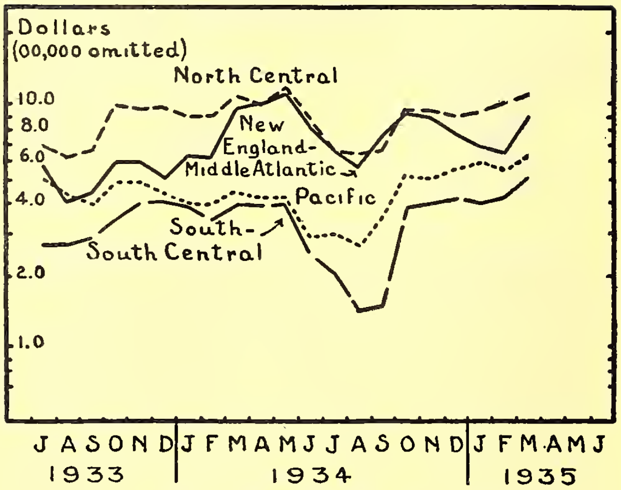
RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to March, 1935



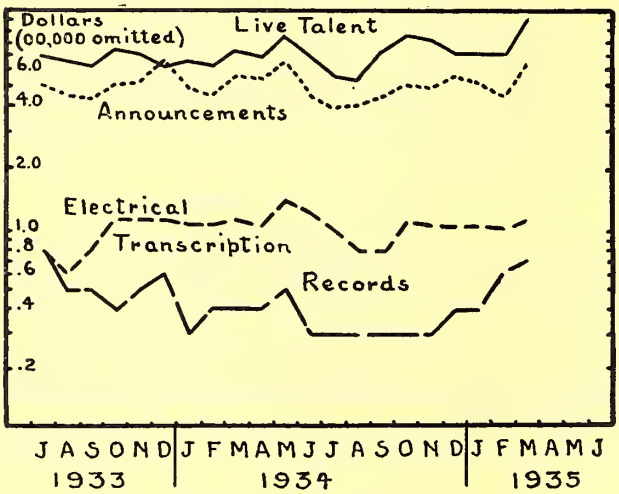
NON-NETWORK ADVERTISING BY STATION POWER
July, 1933, to March, 1935



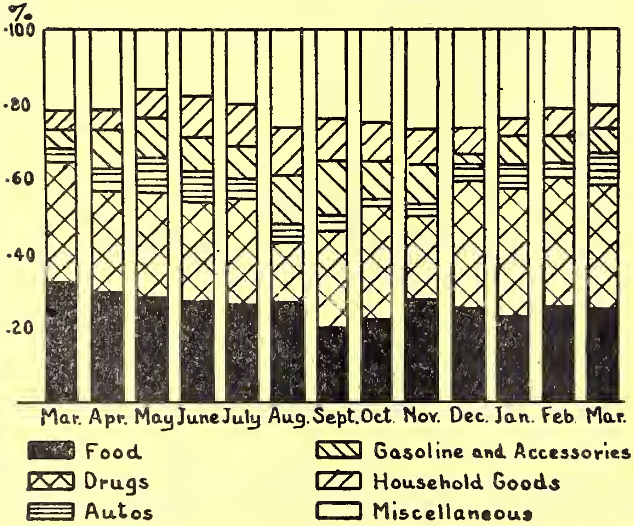
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to March, 1935



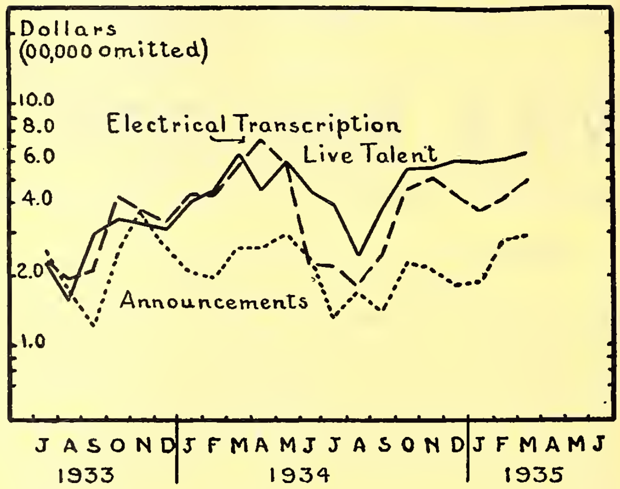
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to March, 1935



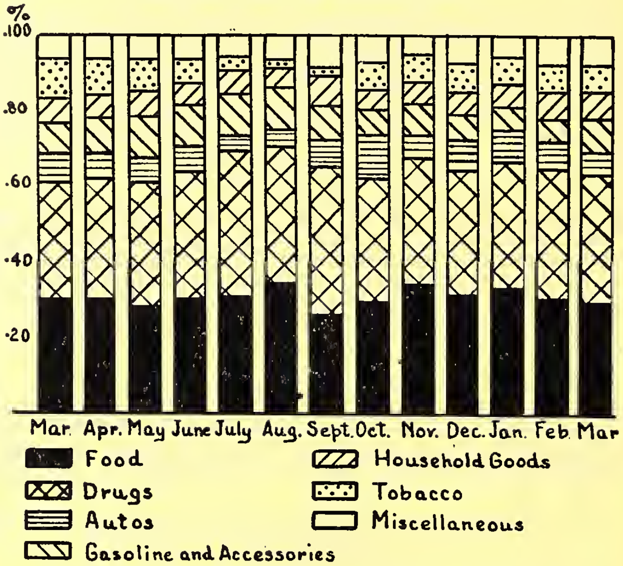
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
March, 1934, to March, 1935



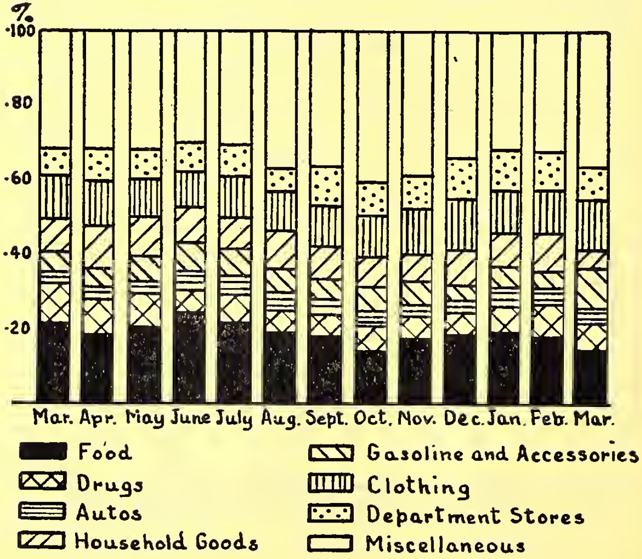
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION
July, 1933, to March, 1935



NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
March, 1934, to March, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
March, 1934, to March, 1935



increases. Network volume recorded a gain of 26.0%, national non-network advertising one of 161.3%, and local advertising an increase of 80.0%. Other increases were as follows: Local clothing, 64.2%; network confectionery, 54.4%; network household equipment, 43.7%; national non-network advertising in the same field, 31.7%; and local, 70.0%; network soap and kitchen supplies, 47.9%; and department store advertising, 38.7%.

Detailed Data on Sponsor Trends

1a. ***Amusements.*** National non-network unchanged and local up 25.7% as compared to February. National non-network doubled and local 19.8% above last March.

1. ***Automotive.*** National network unchanged as against February, regionals 43.0% ahead, national non-network 123.0% above, and local 54.2% above. National network 26.0% above March, 1934; national non-network 161.3% ahead, and local 80.0% above.

2. ***Gasoline and accessories.*** National networks 28.0% above previous month, regionals 24.2%, local 10.0%, and national non-network 6.2% lower. Compared with last March, national network volume unchanged, regional materially lower, national non-network advertising 29.0% greater, and local 10.0% below.

3. ***Clothing.*** National network volume doubled as against February, regional declined one-third, national non-network down 4.0%, and local up 58.7%. Compared to the same month of 1934, national network volume more than double, regional advertising nearly the same, national non-network up 15.2%, and local up 64.2%.

4. ***Drugs and pharmaceuticals.*** Network volume 4.1% above February, national non-network 3.0%, and local 8.9%. Compared to last March, national network advertising 7.9% lower, regional up slightly, national non-network up 2.0%, and local down 29.8%.

5. ***Toilet goods.*** National networks 5.0% above February, regional volume up materially, national non-network up 31.1%, and local down 20.0%. National networks 10.7% above last March, regional up materially, national non-network unchanged, and local up 20.0%.

6. ***Foodstuffs.*** National network volume 9.7% higher than preceding month, regional up 50.0%, national non-network up 3.0%, and local 23.4%. Compared with last March, national networks up 25.3%, regional up 29.6%, national non-network down 28.0%, and local down 5.6%.

7. ***Beverages.*** National networks up 8.7% as against February, national non-network 24.0% higher, and local unchanged. National networks unchanged as compared with same month of last year, regional down, national non-network down 42.8%, and local down 12.6%.

8. ***Confectionery.*** National networks increased 9.0% during the month, national non-network 25.7%, and local 11.0%. Compared with previous March, national network volume greater by 54.4%, regional advertising up materially, national non-network up 10.0%, and local volume tripled.

9. ***Household equipment.*** National network volume double February, national non-network unchanged and local up 70.0%. National network advertising 43.7% greater than during March, 1934, regional 67.0%, national non-network 31.7%, and local 70.0%.

10. ***Soaps and kitchen supplies.*** National networks 24.8% ahead of February, regional increased materially, national non-network up 27.7%, and local doubled. As compared with last March, national networks up 47.9%, regional up materially, national non-network 70.0% higher, and local 33.3% above.

11. ***Financial.*** National network volume 9.0% below February, national non-network half as great, and local up 33.3%. National network advertising 36.1% below previous March, national non-network 21.4% below, and local 21.5% above.

12. ***Radio.*** National network slightly ahead of February, national non-network tripled, and local up 57.7%. Networks more than double last March, national non-network up materially, and local up 48.8%.

13. ***Department and general stores.*** Advertising 14.0% above February and 38.7% greater than during the same month of last year.

14. ***Tobacco products.*** National network advertising 8.0% above preceding month, regional volume up eight-fold, national non-network more than doubled, and local up materially. As compared with last March, network volume 29.0% greater, national non-network volume up six-fold, and local up materially.

15. ***Miscellaneous.*** National networks 22.9% above February, regional unchanged, national non-network down slightly, and local up 51.8%. Compared to March, 1934, national network volume up 45.0%, national non-network business down approximately one-third, and local up 42.0%.

Retail Advertising

General retail broadcast advertising increased 36.6% as compared with February, and was 65.2% greater than during March of the preceding year. Principal gains during the month were in the automotive, accessory, clothing, and house furnishing fields.

Automobile dealer advertising over the radio was double that of last March, while accessory and gasoline retail advertising rose two and one-half times. Clothing and apparel store advertising was 67.3% greater than during the same month of 1934. Household equipment retail advertising was 46.0% greater than during the previous March, furniture store advertising doubled, and hardware store volume experienced a six-fold increase. Department store advertising was 38.7% greater than last March.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(March, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$1,370	$44,445	$45,815
1–2. Automobiles and Accessories:					
(1) Automobiles	$318,945	$2,250	115,740	73,734	510,669
(2) Accessories, gas and oils	339,450	8,789	89,995	71,890	510,124
3. Clothing and apparel	75,956	2,499	24,435	252,836	355,726
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	728,091	1,098	395,850	102,915	1,227,954
(5) Toilet goods	936,164	7,950	96,870	23,855	1,064,839
6–8. Food products:					
(6) Foodstuffs	988,006	21,488	273,560	215,740	1,498,794
(7) Beverages	284,663	—	32,347	72,240	389,250
(8) Confections	193,116	2,940	73,134	10,440	279,630
9–10. Household goods:					
(9) Household equipment and furnishings	116,169	1,468	54,720	199,405	371,762
(10) Soap and kitchen supplies	281,207	4,173	46,300	4,760	336,440
11. Insurance and financial	41,865	410	13,645	67,720	123,640
12. Radios	95,051	—	2,850	13,420	111,321
13. Retail establishments	—	—	6,930	146,800	153,730
14. Tobacco products	321,443	8,210	31,654	7,205	368,512
15. Miscellaneous	203,119	16,085	211,590	508,740	939,534
Total	$4,923,245	$77,360	$1,470,990	$1,816,145	$8,287,740

General Business Conditions

There has been little change in general business conditions during April from those of the preceding month. The *New York Times* composite index of business activity remained at approximately the same level, though declining toward the close of April. Automobile production gained slightly prior to the present strike outbreaks. Freight car loadings, indicative of trade movement, increased slightly. Construction volume remained at about the same level as March, when a seasonal increase should have occurred. Security markets showed gains in both stock and bond prices. Rural retail trade was 22.5% above March, 1934, and 15.0% ahead of last year for the first quarter of the year. Grocery chain store sales were the same as during March of last year.

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*February*	*March*	*Cumulative Jan.-March*
National networks	$4,472,432	$4,923,245	$14,107,206
Regional networks	58,023	77,360	193,299
National non-networks	1,334,662	1,470,990	4,035,182
Local	1,340,028	1,816,145	4,545,023
Total	$7,205,145	$8,287,740	$22,880,710

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*February*	*March*	*Cumulative Jan.-March*
Radio broadcasting	$7,205,145	$8,287,740	$22,880,710
National magazines[1]	9,594,575	12,348,858	30,968,794
National farm papers	491,097	534,800	1,333,264
Newspapers[2]	35,393,000	45,600,000	117,474,000
Total	$52,683,817	$66,771,398	$172,656,768

[1] Based on 124 magazines compiled by Publishers Information Bureau, Inc., from which source national farm papers and network figures also are taken.

[2] Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*February*	*March*	*Cumulative Jan.-March*
Over 1,000 watts	$1,406,400	$1,543,465	$4,186,955
250-1,000 watts	920,245	1,293,670	3,244,755
100 watts	348,045	450,000	1,148,495
Total	$2,674,690	$3,287,135	$8,580,205

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*February*	*March*	*Cumulative Jan.-March*
New England-Middle Atlantic Area	$659,750	$894,000	$2,245,050
South Atlantic-South Central Area	418,060	515,560	1,335,080
North Central Area	1,052,400	1,217,770	3,209,960
Pacific and Mountain Area	544,480	659,805	1,790,115
Total	$2,674,690	$3,287,135	$8,580,205

RETAIL RADIO ADVERTISING OVER INDIVIDUAL STATIONS

	1935 Gross Time Sales	
Type of Sponsoring Business	*February*	*March*
Automobiles and accessories:		
Automobile agencies and used car dealers	$56,770	$74,450
Gasoline stations, garages, etc.	50,020	74,265
Clothing and apparel shops	162,520	249,000
Drugs and toilet goods:		
Drug stores	13,960	15,700
Beauty parlors	9,588	11,285
Food products:		
Grocery stores, meat markets, etc.	42,973	46,400
Restaurants and eating places	15,410	16,200
Beverage retailers	3,418	3,375
Confectionery stores	2,145	2,600
Household goods:		
Household equipment retailers	29,432	54,245
Furniture stores	73,198	109,270
Hardware stores	7,650	19,640
Radio retailers	8,995	13,554
Department and general stores	135,267	153,730
Tobacco shops	150	4,050
Miscellaneous	75,180	92,620
Total	$686,676	$940,384

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*February*	*March*	*February*	*March*	*February*	*March*	*Jan.-Mar.*
Electrical transcriptions	$419,590	$504,675	$104,931	$122,280	$524,521	$626,955	$1,642,136
Live talent programs	615,923	672,400	717,836	960,896	1,333,759	1,633,296	4,288,475
Records	9,340	4,476	63,643	71,334	72,983	75,810	196,143
Announcements	289,809	289,439	453,618	661,635	743,427	951,074	2,453,451
Total	$1,334,662	$1,470,990	$1,340,028	$1,816,145	$2,674,690	$3,287,135	$8,580,205

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING: FIRST QUARTER, 1935

Developments of the Period

Broadcast advertising gained materially during the first quarter of the current year. Increased volume of the early winter was continued and added to. Total gross time sales of the medium during the first three months of the year were $22,880,710, a gain of 19.6% over the corresponding quarter of 1934.

National network volume showed a gain of 23.9% as compared to the first three months of 1934. Other gains were as follows: regional networks, 10.4%; national non-network advertising, 10.1%; and local broadcast advertising, 13.3%. The gain in the local field is especially encouraging since, at the outset of the season, broadcast advertising of this type lagged materially behind the preceding year's level.

A comparison of gross time sales of various portions of the broadcasting structure during the first quarter of 1934 and 1935, respectively, is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

(First Quarter)

	Gross Time Sales	
Class of Business	*1934*	*1935*
National networks	$11,365,157	$14,107,206
Regional networks	175,026	193,299
National non-network	3,664,591	4,035,182
Local	3,943,995	4,545,023
Total	$19,148,769	$22,880,710

The swiftly growing volume of national network advertising during the first quarter of 1934, as well as during the three preceding months, has resulted in changes in the proportion of total advertising volume represented by various parts of the medium. Whereas, during 1934, national network advertising constituted 58.5% of total gross time sales, it accounted for 61.3% of the volume of the medium during the first three months of the current year.

The proportion represented by regional networks remained comparatively unchanged, national non-network advertising dropped from 18.6% of total medium revenues to 17.3%, while local broadcast advertising declined from 22.0% to 20.6%.

Comparison with Other Media

Compared to the 19.6% gain on the part of broadcast advertising over the corresponding quarter of 1934, national magazine advertising rose 20.6%, newspaper advertising 7.8% and national farm paper advertising 6.0%. Advertising revenues for the various media during the periods under consideration are found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

(First Quarter)

	Gross Time and Space Sales	
Advertising Medium	*1934*	*1935*
Radio broadcasting	$19,148,769	$22,880,710
National magazines	25,695,372	30,968,794
National farm papers	1,257,590	1,333,264
Newspapers	108,743,000	117,474,000
Total	$154,844,731	$172,656,768

Non-network Advertising Trends

Encouragement is found for the general economic progress of broadcasting in the marked rise in advertising on local stations in the 100 watt class. Gross time sales of this group were 22.0% ahead of those for the first quarter of the preceding year. Stations of from 250 to 1,000 watts in power experienced an increase of 5.5% in non-network revenues while those over 1,000 watts in power gained 14.0%.

Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

(First Quarter)

	Gross Time Sales	
Power of Station	*1934*	*1935*
Over 1,000 watts	$3,593,448	$4,186,955
250-1,000 watts	3,072,552	3,244,755
100 watts	942,586	1,148,495
Total	$7,608,586	$8,580,205

Marked difference existed in the rise of non-network advertising in various parts of the country. Gross time sales in the New England-Middle Atlantic area remained practically unchanged from those of the preceding year. Increased network advertising, concentrated in part in this section and reducing available time for non-network business, undoubtedly was at least partly responsible for this trend.

Non-network advertising in the South Central-South Atlantic district increased 16.3% as compared to the same period of 1934. Mid-western non-network volume rose 8.1%, and Mountain and Pacific broadcast advertising gained 42.6%. Details in this field are found in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

(First Quarter)

	Gross Time Sales	
Geographical District	*1934*	*1935*
New England-Middle Atlantic Area	$2,240,608	$2,245,050
South Atlantic-South Central Area	1,147,130	1,335,080
North Central Area	2,966,217	3,209,960
Pacific and Mountain Area	1,254,631	1,790,115
Total	$7,608,586	$8,580,205

Advertising by Types of Rendition

The trend in the non-network field by types of rendition is particularly interesting. Electrical transcription advertising fared relatively poorly in both the national and local fields. National non-network advertising of this type was 10.7% lower than during the first quarter of last year, while local transcription volume experienced a gain of but 2.0%.

The outstanding gains of the period were made in the live talent field. National non-network volume of this type rose 25.0% as compared to the first three months of 1934, while local broadcast advertising employing talent in studio programs increased 20.1%. Announcement volume rose 20.3% in the national non-network field and 7.8% in the local field. Records declined materially in national non-network advertising and increased 71.8% in the local field.

Details regarding the volume of broadcast advertising employing various types of rendition during the first quarter of the current and preceding years are found in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

(First Quarter)

	Gross Time Sales					
	National Non-network		*Local*		*Total*	
Type of Rendition	*1934*	*1935*	*1934*	*1935*	*1934*	*1935*
Electrical transcriptions..............	$1,439,825	$1,300,745	$334,429	$341,391	$1,774,254	$1,642,136
Live talent programs.................	1,510,498	1,886,008	1,999,897	2,402,467	3,510,395	4,288,475
Records	22,910	17,666	103,789	178,477	126,699	196,143
Announcements	691,358	830,763	1,505,880	1,622,688	2,197,238	2,453,451
Total	$3,664,591	$4,035,282	$3,943,995	$4,545,023	$7,608,586	$8,580,205

A comparison of the relative proportion of various types of rendition utilized in non-network broadcasting during the first quarter of 1934 and 1935 respectively, is found in Table VI.

TABLE VI

RELATIVE PROPORTION OF VARIOUS TYPES OF RENDITION USED IN NON-NETWORK BROADCAST ADVERTISING

(First Quarter, 1934-1935)

	Percentage represented by rendition type			
	National Non-network		*Local*	
Type of Rendition	*1934*	*1935*	*1934*	*1935*
Electrical transcriptions...	39.0%	32.1%	8.7%	7.5%
Live talent programs.....	41.3%	44.2%	50.7%	52.8%
Records	.6%	.4%	2.6%	3.9%
Announcements	20.1%	23.3%	38.0%	35.8%
Total	100.0%	100.0%	100.0%	100.0%

Trends in Sponsorship

The outstanding developments in the volume of broadcast advertising sponsored by different product and service groups are as follows:

National network automotive advertising increased 43.5% as compared with that of the first quarter of last year. National non-network and local volume increased only slightly in spite of the March rise, advertising of this type coming later in 1935 than it did in the preceding year.

Clothing advertising rose 80.0% in the network field, doubled in the national non-network field and rose 54.0% in the local field.

National network food advertising rose 31.7%, confectionery advertising 52.0% and soap and kitchen supply volume 62.8%. National non-network advertising in the last-mentioned field increased 78.1% as compared with the corresponding quarter of 1934.

National non-network household equipment advertising rose 47.6%, while local advertising increased 60.0% in this field. Department and general store advertising increased 58.6%.

The gross time sales of various sponsoring product and service groups during the first quarter of the current year are found in Table VII.

TABLE VII

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(First Quarter, 1935)

	Gross Time Sales				
Type of Sponsiring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$13,938	$119,845	$133,783
1–2. Automobiles and accessories:					
(1) Automobiles	$1,015,043	$6,490	239,275	193,652	1,454,460
(2) Accessories, gas and oils.........................	890,824	25,288	291,365	207,218	1,414,695
3. Clothing and apparel................................	144,070	9,612	74,245	587,066	814,993
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.........................	2,130,879	14,895	1,123,130	286,226	3,555,130
(5) Toilet goods..................................	2,739,139	10,070	260,895	73,547	3,083,651
6–8. Food products:					
(6) Foodstuffs	2,911,488	59,646	748,090	568,823	4,288,047
(7) Beverages	836,024	5,400	91,629	207,115	1,140,168
(8) Confections	564,197	5,540	158,342	26,767	754,846
9–10. Household goods:					
(9) Household equipment and furnishings..............	198,281	10,919	154,556	435,327	799,083
(10) Soap and kitchen supplies.........................	779,979	4,878	114,380	9,860	909,097
11. Insurance and financial................................	134,700	410	64,373	175,327	374,810
12. Radios	282,898	—	3,835	38,505	325,238
13. Retail establishments................................	—	—	16,470	420,732	437,202
14. Tobacco products................................	939,434	9,410	60,732	10,585	1,020,161
15. Miscellaneous	540,250	30,741	619,927	1,184,428	2,375,346
Total	$14,107,206	$193,299	$4,035,182	$4,545,023	$22,880,710

A detailed analysis of the trends in these various fields is as follows:

1a. *Amusements.* A very slight increase over the same period of last year.

1. *Automotive.* National network volume showed an increase of 43.5% over the first quarter of 1934. Regional networks advertising gained slightly, national non-network advertising rose 5.3%, and local advertising increased 5.2%.

2. *Gasoline and accessories.* Network volume declined 6.6%. National non-network advertising rose 1.8%, and local dropped 8.0%.

3. *Clothing.* National network advertising rose 80.0%, regional volume tripled, national non-network advertising doubled, and local advertising increased 54.0%.

4. *Drugs and pharmaceuticals.* National network advertising dropped 11.8%, regional volume doubled, national non-network volume gained 25.6%, and local advertising decreased 25.2%.

5. *Toilet goods.* National network advertising increased 14.5%, national non-network rose 10.7%, and local broadcast advertising dropped 14.4%. The regional network advertising in this field is new.

6. *Foodstuffs.* Network advertising increased 31.7%, regional network advertising 22.0%, and national non-network volume 2.0%.

Local broadcast advertising dropped 19.1% as compared with the same period of 1934.

7. *Beverages.* National network volume remained practically unchanged, with national non-network advertising declining 14.8% and local volume gaining 5.0%.

8. *Confectionery.* Network advertising increased 52.0%. Regional network advertising in this field increased very materially. National non-network advertising dropped 15.0%, and local broadcast advertising tripled.

9. *Household equipment.* Network volume increased 13.8%. Regional network advertising again was new. National non-network advertising rose 47.6%, and local volume rose 60.0%.

10. *Soap and kitchen supplies.* National networks increased their advertising in this field by 62.8% and national non-network volume rose 78.1%. Local advertising declined materially. Regional volume again constitutes a new sponsor for this field as far as any marked quantity is concerned.

11. *Insurance and financial.* There was a slight increase in national network volume. National non-network advertising rose 42.2%, and local 48.3%.

12. *Radio.* National network volume more than doubled, with local increasing practically to the same degree.

13. *Department and general stores.* Advertising of this type rose 58.6% as compared with the first quarter of 1934.

14. *Tobacco products.* National network advertising decreased 24.6%. Regional network advertising rose materially, while national non-network advertising tripled.

15. *Miscellaneous.* Network volume rose 38.7%, and local advertising increased 19.1%. National non-network advertising dropped 20.3%.

Retail Advertising

General retail advertising gained 48.5% as compared with the same quarter of 1934. Principal gains were as follows: automobile dealer advertising, 21.8%; gasoline and accessories more than doubled; clothing stores, 50.1%; household equipment retailers, 35.5%; furniture stores, 86.0%; and hardware store advertising more than doubled. Retail advertising during the first quarter of the current year is found in Table VIII.

TABLE VIII

RETAIL RADIO ADVERTISING OVER INDIVIDUAL STATIONS

(First Quarter, 1935)

Type of Sponsoring Business	*Gross Time Sales*
Automobiles and accessories:	
Automobile agencies and used car dealers	$215,620
Gasoline stations, garages, etc.	184,285
Clothing and apparel shops	589,320
Drugs and toilet goods:	
Drug stores	50,430
Beauty parlors	29,983
Food products:	
Grocery stores, meat markets, etc.	128,011
Restaurants and eating places	47,630
Beverage retailers	17,129
Confectionery stores	6,465
Household goods:	
Household equipment retailers	112,977
Furniture stores	254,954
Hardware stores	36,618
Radio retailers	38,506
Department and general stores	437,202
Tobacco shops	4,814
Miscellaneous	239,145
Total	$2,393,089

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
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FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Complaints

Nos. 2257, 2299 and 2334. The Commission has ordered dismissal without prejudice of the complaints previously issued against Hibbard, Spencer, Bartlett & Co., dealers in "Neats Foot Compound"; New England Tea and Coffee Co., Hartford, Conn.; and the Postal Correspondence School, Washington, D. C.

Cease and Desist Order

No. 2291. Federal Auto Products Co., Chicago. The respondent, a distributor of reconditioned and used spark plugs, is ordered to cease neglecting to indicate on the containers and in similar manner that the said products are reconditioned or used.

Complaints

No. 2380. Dr. A. Posner Shoes, Inc., New York City. The respondent is charged with unfair representation, in that his product was advertised as "Dr. Posner's Scientific Shoes" when they were not made under the supervision of a doctor and contained no orthopedic features. The respondent will be given until June 7 to show cause why a cease and desist order should not be issued.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0848. Hyral Distributing Company, Fort Worth, Texas. The respondent has stipulated that it will cease advertising that its product, "Hyral," will prevent pyorrhea, trench mouth or mouth disorders; that it is 100 per cent efficient as a dentifrice, and that most mouth disorders would practically disappear if it were universally used.

No. 0849. M. L. Clein & Co., Atlanta, Ga. The company agrees to cease advertising that substantial benefit will be derived from one dose of its product, "Pap-o-dine," except in cases of simple gastric hyperacidity, or that it is a competent treatment for indigestion, stomach ulcers, nausea, heartburn, gas pains, and other ailments.

Its product "Kurto" no longer will be advertised as a competent treatment for impetigo, cracked toes, athlete's foot and eczema, unless in the last two instances representations are limited to the relief of itching.

No. 1367. Tate Furniture Co., High Point, N. C. The respondent will cease advertising its products as "Cedar Lined" so as to imply that they are composed of cedar wood of such thickness as to afford protection against moths.

No. 1368. Louis H. Tabach, Newark, N. J., trading as the Longwear Hosiery Co., and Certified Hosiery Co. The respondent agrees to discontinue eleven alleged unfair practices, including filling orders with articles of different sizes, colors or quality than ordered; demanding or collecting additional payment of 10 per cent as the alleged cost of postage and insurance on shipments made to correct mistakes; representing that the hosiery is made with a special lockstitch to prevent snagging or running, and that it is guaranteed to be hole-proof for three to six months, when this is not true.

No. 1369. Lehman Brothers Silverware Corporation, New York City. The company agrees to discontinue the use of the word "Sheffield" so as to imply erroneously that its products were made in Sheffield, England, or in accordance with the so-called Sheffield process.

No. 1370. W. F. Straub & Co., Inc., Chicago. The respondent has agreed to cease using the word "non-fattening" in the advertising of its strained honey, when the consensus of opinion among scientists is that honey is a fattening food.

FCC DENIES WLWL PETITION

The FCC, on May 14, denied a petition filed by the Universal Broadcasting Corporation (WLWL), New York City, for reconsideration of the application of the Missionary Society of St. Paul the Apostle for modification of WLWL's license to use 810 kilocycles unlimited time, and denied their petition seeking to have the Commission re-allocate certain existing facilities so as to have WNYC and WOV share time on 1130 kc.; WCCO move from 810 kc. to 800 kc.; WFAA and WBAP move from 800 kc. to 850 kc.; WWL move from 850 kc. to 810 kc.; and WPG change from sharing with WLWL on 1100 kc. to full time on 1100 kc.

BROADCASTING APPARATUS AT SMITHSONIAN

Mr. Frank A. Taylor, Curator of Engineering, Smithsonian Institution, Washington, D. C., has established in the U. S. National Museum a department for broadcasting apparatus. WFLA-WSUN has furnished a 500-watt Western Electric 1-A transmitter, and WLS has supplied the speech input equipment.

There is still room for placing additional suitable apparatus. Owners of apparatus willing to place it in the museum should communicate with Mr. Taylor.

GARDNER RESIGNS

Former Governor O. Max Gardner of North Carolina, who has recently been appointed chief counsel for the Federal Communications Commission investigation of the telephone industry, has resigned, according to the White House.

Governor Gardner, who has long been familiar with the textile situation, is going to resume textile work. In addition to making the request himself, the President was asked to relieve him from the Commission by officials of the American Cotton Manufacturers' Association.

NEW INDIANA STATION RECOMMENDED

L. M. Kennett filed an application with the Federal Communications Commission asking that he be granted a construction permit for a new station to be erected at Indianapolis, Ind., to use 600 kilocycles, 1,000 watts power, and daytime hours of operation.

George H. Hill (e), in Report No. I-53, recommends that the application be granted. The Examiner found that the applicant is financially and in other ways able to construct and operate such a station. He found also that Indianapolis needs a station devoted to local programs, and that no interference would be caused with any existing radio facilities by the proposed station.

COURT AGAIN UPHOLDS COMMISSION

The United States Court of Appeals for the District of Columbia last week upheld a decision of the Federal Communications Commission in the case of KSEI and KFPY.

The sole question in this case was whether the Commission should award 890 kilocycles to one or the other of these two stations. After hearing by an Examiner in the case, the Examiner recommended that the frequency be granted to station KFPY and the Commission affirmed this recommendation. The Court has now upheld that decision of the Commission.

The Court found that changing station KSEI from 900 to 890 kilocycles would not substantially increase its service to the public, while changing the frequency of KFPY from 1340 to 890 kilocycles would increase its public service. The Court thought also that the contention of KSEI that it interferes with KHJ, Los Angeles, is not borne out by the record in the case.

Says the Court: "It appears that the State of Washington and the State of Idaho are both overquota States, and it is claimed that the granting of the frequency 890 kilocycles to station KFPY would be a violation of the Davis amendment. The only ground for this contention is that the coverage of station KFPY would be increased by the change of frequency. Such a change, however, does not bring the case within the purview of the Davis amendment. The quota of the State of Washington would not be increased by the change, within the purview of the applicable statutes or regulations."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Combined Securities Corporation, Jersey City, N. J. (2-1396, Form A-1)
- Louisville Railway Company, Louisville, Ky. (2-1397, Form A-2)
- Ortiz Grant Mines Corporation, Albuquerque, N. Mex. (2-1398, Form A-1)
- Franco Mining Corporation, Reno, Nev. (2-1399, Form A-1)
- Industrial Credit Corporation, Philadelphia, Pa. (2-1400, Form A-1)
- American Radio & Television Corp., New York City. (2-1401, Form A-1)
- Keeneland Association, Lexington, Ky. (2-1403, Form A-1)
- Francis W. Wheeler, et al., Boston, Mass. (2-1404, Form F-1)
- American Discount Co. of America, Atlanta, Ga. (2-1405, Form A-2)
- General Reserves Corp., New York City. (2-1406, Form A-1)
- Gage Protective Committee, St. Petersburg, Fla. (2-1407, Form D-1)
- J. Edward Jones, New York City. (2-1408, Form C-1)
- Protective Committee for Huckins Hotel Co., St. Louis, Mo. (1-1409, Form D-1)
- A & K Petroleum Co., Oklahoma City, Okla. (2-1410, Form A-1)
- American Participations, Inc., Springfield, Mo. (2-1411, Form C-1)
- Temescal Water Company Corona, Calif. (2-1412, Form A-2)
- The Glidden Company, Cleveland, Ohio. (2-1414, Form A-2)
- Oklahoma County Trust, Tulsa, Okla. (2-1415, Form A-1)
- United Standard Oilfund of America, Inc., Jersey City, N. J. (2-1416, Form A-1)

WEBC FILES APPEAL

The Head of the Lakes Broadcasting Company, operating Station WEBC, has filed an appeal and a petition for stay in the United States Court of Appeals for the District of Columbia against the Federal Communications Commission. Similar action was taken by the City of Moorhead, Minn.

WEBC claims that the decision of the Commission of February 19, this year, granting Station KGFK permission to move from Moorhead to Duluth, Minn., adversely affects it. It is stated in the petition that the decision of the Commission does not accurately reflect facts, that the city of Duluth does not need additional radio facilities, while Moorhead does need the service. A similar position is taken by the city of Moorhead.

RECOMMENDS DENYING INCREASED POWER

Application was filed with the Federal Communications Commission by Station KGFJ, Los Angeles, Calif., asking that it be allowed to use 250 watts power LS. The station operates on a frequency of 1200 kilocycles, 100 watts power, now, with unlimited time.

Ralph L. Walker (e), in Report No. I-52, recommends that the increased power be denied. He found that while such increase would allow more service, "it does not appear that there exists any substantial need for additional service from the listener's viewpoint."

WBBZ RENEWAL RECOMMENDED

The Guthrie Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new station to be located at Guthrie, Okla., using 1200 kilocycles, 100 watts night, and to share time with WBBZ, Ponca City, Okla. The latter asked for license renewal.

R. H. Hyde (e), in Report No. I-50, recommended that the application of the Guthrie Company be denied as in cases of default and that the license of WBBZ be renewed. At the appointed time for the hearing the applicant failed to appear.

RECOMMENDS PARTIAL GRANT TO KCRC

Broadcasting Station KCRC, Enid, Okla., applied to the Federal Communications Commission to change its frequency from 1370 to 1360 kilocycles, to change its power from 100 watts day and 250 watts LS to 250 watts at all times, and for unlimited time. KCRC now shares time with KGFG.

R. H. Hyde (e), in Report No. I-49, recommends that the application be granted in part, the new operating assignment to provide for the operation of KCRC with 250 watts daytime hours and one-fourth time as to night-time hours. The Examiner found that the granting of additional daytime hours would be in the public interest.

EXPERIMENTAL AUTHORIZATION DENIAL RECOMMENDED

Broadcasting Station KFBB, Great Falls, Mont., filed an application with the Federal Communications Commission asking for special experimental authority for changing its frequency from 1280 to 610 kilocycles. It uses 1,000 watts, and 2,500 watts LS, with unlimited time.

Melvin H. Dalberg (e), in Report No. I-48, recommends that the action granting this taken by the Commission on January 29 be reversed and that the application be denied.

The Examiner found that "no showing is made in this case that would justify a finding that the applicant is or intends to be engaged in fundamental research or improving the technique of the radio art."

NEW ERIE STATION RECOMMENDED

Jackson D. Magenau filed an application with the Federal Communications Commission for the erection of a new station at Erie, Pa. Similar request was made by the WMAN Broadcasting Company for the erection of a new station at Mansfield, Ohio. Both applications were for 1370 kilocycles, 100 watts power, and unlimited time. The two cases were consolidated.

George H. Hill (e), in Report No. I-51, recommended that a construction permit be granted for the Erie station and that the application for the Ohio station be denied. The Examiner found that the financial showing of the applicants for the Ohio station was unsatisfactory, that the operation of such a station at Mansfield would interfere with existing facilities, and that it would not serve the public interest.

NEW CALIFORNIA STATION RECOMMENDED

J. C. and E. W. Lee applied to the Federal Communications Commission for a construction permit to erect a new broadcasting station at Riverside, Calif., to use 820 kilocycles, 250 watts power, and daytime hours of operation.

Ralph L. Walker (e), in Report No. I-55, has recommended that the application be granted. The Examiner found that the applicants are qualified to erect and run such a station, that no objectionable interference would be caused by such a proposed station, and that it would render "a desirable and satisfactory service to the area in question."

NEW MONTANA STATION RECOMMENDED

Three applications were filed with the Federal Communications Commission for new broadcasting stations, all in Montana, and all to operate on 1420 kilocycles, 100 watts power, and unlimited time on the air. The Helena Broadcasting Company and E. B. Craney would erect stations at Helena, while the Montana Broadcasting Company would erect one at Boulder.

Melvin H. Dalberg (e), in Report No. I-54, recommended that the applications of E. B. Craney and the Montana Broadcasting Company be denied, but that the application of the Helena Broadcasting Company be granted. The Examiner states that the Montana Company gave no proof to support its application; that "in the case of E. B. Craney, it appears to be doubtful whether the applicant has shown by his proof sufficient financial background to qualify him for the construction and operation of the station proposed." He found the Helena Company had sufficient financial and technical background for the proposed station.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WJW—WJW, Inc., Akron, Ohio—Granted C. P. to install new equipment.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted license to cover C. P. making changes in equipment and increasing power; **1200 kc.**, 100 watts night, 250 watts day, S-WKJC.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Granted license to cover C. P. to make changes in equipment and increase day power to 250 watts; **1500 kc.**, 100 watts night, unlimited time.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted license to cover C. P. for changes in equipment and move of transmitter and studio; **1230 kc.**, 250 watts night, 500 watts day, unlimited time.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted license to cover C. P. to move transmitter and install new equipment; **1120 kc.**, 100 watts, daytime.

WMBQ—Paul J. Gollhofer, Brooklyn, N. Y.—Granted voluntary assignment of license to Metropolitan Broadcasting Corp.

KRNT—Iowa Broadcasting Co., near Des Moines, Iowa—Granted extension of special experimental authorization to operate with 500 watts night, 1 KW day, for period ending November 1, 1935, and application set for hearing.

WIBG—WIBG, Inc., Glenside, Pa.—Granted consent to voluntary assignment of license to Seaboard Radio Broadcasting Corp.

NEW—National Broadcasting Co., Chicago, Ill.—Granted license to operate broadcast pickup station and use equipment authorized under permit granted for visual broadcast station W9XAP; frequencies **1606, 2020, 2102,** and **2760 kc.**, 2 KW power.

WPAX—H. Wimpy, Thomasville, Ga.—Granted C. P. to make changes in equipment and increase day power to 250 watts. Transmitter site to be determined.

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted C. P. to install new equipment, increase day power to 5 KW. Transmitter location to be determined.

WMAQ—National Broadcasting Co., Inc., Addison, Ill.—Granted modification of C. P. to extend completion date from 7-4-35 to 9-4-35; for approval of antenna system and to correct geographical location.

WORK—York Broadcasting Co., York, Pa.—Granted modification of license covering special authority to operate on **1320 kc.**, 1 KW night, using directional antenna, unlimited time.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted license to cover C. P. authorizing new station to operate on **1420 kc.**, 100 watts, unlimited time.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 500 watts to 1 KW; **1440 kc.**, unlimited time.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted license to cover C. P. authorizing construction of new station to operate on **1370 kc.**, 100 watts, daytime only.

KHSL—Wm. Schield, Sydney R. Lewis, Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted license covering C. P. authorizing new station to operate on **950 kc.**, 250 watts, daytime only.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa—Granted license to cover C. P. authorizing changes in equipment.

KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted license to cover C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted modification of license to cover special experimental authority authorizing new equipment, moving station locally, and change frequency from **1210 kc.** to **630 kc.**; 250 watts, unlimited time.

WSAN—WSAN, Inc., Allentown, Pa.—Granted modification of license covering increase in power from 250 to 500 watts, and set for hearing application to operate with 500 watts additional.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted modification of license to increase power from 250 to 500 watts, and set for hearing application to operate with 500 watts additional.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of license to increase night power to 1 KW, using directional antenna; 2.5 KW day using conventional antenna, and to cover changes in equipment.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted license to cover C. P. authorizing installation of new equipment, increase in day power to 250 watts and hours of operation to unlimited; **1500 kc.**, 100 watts night.

WSVA—Marion K. Gilliam, Harrisonburg, Va.—Granted consent to voluntary assignment of license to Shenandoah Valley Broadcasting Corp.

WOSU—The Ohio State University, Portable-Mobile.—Granted C. P. (exp. gen. exp. broadcast pickup station), frequencies **31100, 34600, 37600, 40600** and **86000-400000 kc.**, 10 watts.

SET FOR HEARING

NEW—National Television Corp., New York City.—Application for C. P. (exp. visual broadcasting) for new station, frequencies **2000-2100 kc.**, 500 watts night and day, unlimited.

NEW—George E. Heiges, Sharon, Pa.—Application for C. P. for new station, **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Educational Radio, Inc., Spartanburg, S. C.—Application for C. P. for new station; will purchase old transmitter of WSPA, transmitter site to be determined; frequency **1420 kc.**, 100 watts, unlimited time. Requests call letters WWC.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Application for C. P. for new station, **1310 kc.**, 100 watts, unlimited time.

KRSC—Radio Sales Corp., Seattle, Wash.—Application for C. P. requesting authority to operate with 250 watts night, increase in day power from 100 to 250 watts, also to change time from daytime to unlimited; make changes in equipment, exact transmitter site to be determined.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Application for modification of license to increase hours of operation from sharing with KMA to unlimited, and requesting facilities of KMA.

WBAA—Purdue University, W. Lafayette, Ind.—Application for modification of license requesting authority to increase hours of operation from S. H. to daily except Sunday, 10 a. m. to 2 p. m.; Saturday 2 to 5 p. m.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Application for modification of license to change frequency to **1410 kc.**, power to 250 watts; change hours of operation from unlimited to specified hours, 6 a. m. to 9 p. m.

NEW—Roy L. Albertson, Buffalo, N. Y.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, S-WSVS; exact site to be determined.

NEW—E. L. Clifford, Pottsville, Pa.—Application for C. P. for new station to operate on **580 kc.**, 250 watts, daytime; transmitter site to be determined.

NEW—Pittsburg Broadcasting Co., Pittsburg, Kans.—Application for C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time.

NEW—Clark Standiford, Marysville, Calif.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authority to operate on **570 kc.**, 1 KW, unlimited, period beginning April 1 and ending September 1, 1935, and application to install directional antenna.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for renewal of license.

WSBC—WSBC, Inc., Chicago, Ill.—Application for renewal of license.

KWKC—Wilson Duncan, tr/as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Application for renewal of license.

WOS—State of Missouri, Missouri State Highway Patrol, Jefferson City, Mo.—Application for renewal of license.

Applications for renewal of licenses of the following stations were designated for hearing to be held on June 27, 1935:

WWL, New Orleans, La.; WFAA, Dallas, Texas; WBAP, Fort Worth, Texas; WCCO, Minneapolis, Minn. MOV, New York City, and WPG, Atlantic City, N. J.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for special experimental authority to operate on **1240 kc.**, 1 KW, for period beginning April 1 and ending September 1, 1935.

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—Application for C. P. for new station to be located near Bridgeton, N. J.; frequency **1210 kc.**, 100 watts, daytime only.

NEW—Tom E. Foster and M. E. Terry, d/b as The Kilgore Daily News, Kilgore, Tex.—Application for C. P. for new station, **990 kc.**, 250 watts, daytime.

NEW—Robert Louis Sanders, Palm Beach, Fla.—Application for C. P., already in hearing locket, amended so as to read: Transmitter site to be determined; **1420 kc.**, 100 watts, unlimited time.

NEW—The Hartford Times, Inc., Hartford, Conn.—Application for C. P. for new station, exact transmitter and studio location to be determined at Hartford; **1200 kc.**, 100 watts, unlimited time.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for C. P., already in hearing docket, amended to read: Install new equipment, change frequency to **970 kc.**, and increase day power only to 5 KW.

NEW—Clark Standiford, Fresno, Calif.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.

NEW—David Parmer, Columbus, Ga.—Application for C. P. for new station, requesting facilities of WRBL and call letters WDPI; **1200 kc.**, 100 watts, unlimited time.

WDZ—James L. Bush, Tuscola, Ill.—Application for C. P. amended so as to request transmitter site to be determined; changes in equipment; change frequency from **1070 kc.** to **1020 kc.** when KYW moves to Philadelphia; and increase power from 100 watts to 250 watts. (KYW has already moved to Philadelphia.)

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Application for C. P. amended so as to request transmitter site to be determined; change equipment; **1200 kc.**, 100 watts, daytime.

NEW—Charles C. Theis, Wichita, Kans.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Application for C. P. to change equipment, change frequency to **1390 kc.**, increase power to 1 KW night, 5 KW day.

KFNF—Henry Field Co., Shenandoah, Iowa—Application for modification of license to change hours of operation from half time, sharing with WILL and KUSD to sharing KUSD—KFNF ⅞ time, ⅛ time to KUSD. Part of facilities of KUSD.

KTM—Evening Herald Publishing Co., Los Angeles, Calif.—Application for modification of license to increase night-time power from 500 watts to 1 KW (normally licensed **780 kc.**, 500 watts night, 1 KW day, sharing with KELW).

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Application for modification of license to change hours of operation from S. H. to unlimited.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Application for modification of license to change frequency to **780 kc.**, and requesting frequency used by KGHL. (Present assignment: **1440 kc.**, 500 watts, unlimited.)

ACTION ON EXAMINER'S REPORT

WNRA—Ex. Rep. No. 1-34: Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted modification of license to change time of operation from daytime to unlimited, **1420 kc.**, 100 watts. Order to become effective May 28, 1935. Examiner Dalberg sustained.

APPLICATIONS RETIRED TO CLOSED FILES

KGIX—J. M. Heaton, Las Vegas, Nev.—C. P. to move station locally and make changes in equipment heretofore granted, was retired to the closed files for want of prosecution, and call letters KGIX deleted.

WAMC—Raymond C. Hammett, Anniston, Ala.—Application for C. P. to rebuild station destroyed by fire at a new location, heretofore granted, was retired to the closed files for want of prosecution, and call letters WAMC deleted.

MISCELLANEOUS

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Granted request for oral argument before the Broadcast Division on September 12, 1935. Application is for new station to operate on **1500 kc.**, 100 watts, unlimited time. Examiner's Rep. No. 1-39.

WTAX—WTAX, Inc., Springfield, Ill.—Suspended grant heretofore made and designated for hearing application for full time on **1210 kc.** because of protests of Stations WHFC, WEHC, WKBI.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied petition for permission to make tests preliminary to a request to change frequency and increase power.

NEW—Leroy Haley, Durango, Colo.—Granted, after reconsideration, authority to erect a new station to operate at Durango on the frequency **1370 kc.**, 100 watts, unlimited time.

KWIL—KWIL Broadcasting Co., Williston, N. Dak.—Granted request to take additional evidence in support of application for new station.

WKAQ—Radio Corporation of Puerto Rico, San Juan, P. R.—Granted regular renewal of license.

KBTM—Beard's Temple of Music, Paragould, Ark.—Directed to remain silent pending action on application for license.

WLWL—Universal Broadcasting Corp., New York City.—Denied petition asking Commission to reconsider and grant without hearing application to change frequency from **1100 kc.** to **810 kc.**, unlimited time instead of specified hours. The petition also asked Commission to issue an order modifying the licenses of stations WNYC, New York; WOV, New York; WCCO, Minneapolis; WFAA, Dallas, Tex.; WBAP, Fort Worth; WWL, New Orleans; WPG, Atlantic City. This case will be heard June 27, 1935.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted application to install new equipment and increase day power from 100 to 250 watts.

WBOW—Banks of Wabash, Terre Haute, Ind.—Reaffirmed grant of authority to make changes in equipment and increase power to 250 watts, since WLBC has withdrawn its protest.

Intermountain Broadcasting Corp. and Great Western Assn., Inc., denied petition asking Commission to reconsider action of April 30, 1935, in reopening the proceedings in application for new station to take additional testimony.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted an increase in hours of operation from daytime to unlimited. This action was taken on motion of Commissioner Case, who proposed that the Commission reconsider its action of April 16, 1935, denying petition to reconsider action in designating case for hearing.

WAML—Southland Radio Corp., Laurel, Miss.—Granted authority to remain silent for the period beginning May 10, 1935, and ending in no event later than May 31, 1935, for the purpose of moving studio and installing new equipment.

KFRU—KFRU, Inc., Columbia, Mo.—Granted continuance of hearing set for May 20 until a date in June to be determined.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Suspended for 90 days rider attached to its C. P. to establish station at Marion Township near Cedar Rapids, Iowa; the rider reads: "Provided no more interference is caused to WREC when WMT is moved to Cedar Rapids, Iowa, than is now caused by the operation of WMT at the present transmitter location near Waterloo, Iowa."

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Denied petition to intervene in the application of Walker Jamar for C. P. for new station at Duluth, Minn., to operate on **1200 kc.**, 100 watts power.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—C. P. to install new equipment and increase daytime power to 250 watts, heretofore granted, was retired to the closed files, since required completion date has expired and no application for extension of time or for license has been filed, as required by the rules and regulations of the Commission.

NEW—Harold Rieth, Goshen, Ind.—Denied C. P. for new station (exp. visual broadcast service) to operate on frequencies **42000-56000, 60000-86000, 2000-2100, 2750-2650 kc.**, 30 watts, irregular hours. (Case heard by Broadcast Division.)

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modification of license, **1320 kc.**, 500 watts, 1 KW LS, unlimited time, heretofore set for hearing, was dismissed as applicant filed subsequent application to supersede this.

NEW—Joseph H. Hallock, Vancouver, Wash.—C. P., **1500 kc.**, 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance as required by Rule 48 (b).

WAAT—Bremer Broadcasting Co., Jersey City, N. J.—Granted request for oral argument to be heard September 12, 1935. (Ex. Rep. 1-42.)

WINS—Hearst Radio, Inc., New York City—Granted request for two weeks additional time in which to file appearance.

WESG—Cornell University, Elmira, N. Y.—Granted extension of 30 days from May 15 to continue operation on **850 kc.**

WMCA—Knickerbocker Broadcasting Co., Inc., New York City—Granted postponement of taking of deposition in re hearing on renewal of license from May 10 to May 20. Hearing set for June 6.

NEW—Ward Walker, Seattle, Wash.—Granted petition of Ward Walker to accept the Statement of Facts. This application is for new station to operate on **760 kc.**, 250 watts night, 500 watts day, unlimited time, facilities of KXA, Seattle, Wash., except latter has limited time. Hearing continued until Commission acts on application of KOMO to change frequency from **920 kc.** to **760 kc.**

KXA—American Radiotelephone Co., Seattle, Wash.—Denied motion filed by National Broadcasting Co. to default and dismiss the application of Ward Walker, Seattle, as recorded above.

KWTO—KGBX, Inc., Springfield, Mo.—Suspended grant and designated for hearing application for increase in power for daytime use from 1 KW to 5 KW, because of protest from Springfield Newspapers, Inc.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Denied petition to reconsider action in designating for hearing, application for authority to increase night power to 500 watts, day power to 1 KW.

W. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—Granted request that application for new station at Abilene, be heard at the same time the Commission considers the application of Reporter Publishing Co., for a new station at Abilene, and the application of Big Spring Herald, Inc., for a new station at Big Spring, Tex., and the application of North Texas Publishing Co., for a new station at Paris, Tex.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license, **1430 kc.**, 1 KW, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification of S.A., **570 kc.**, 1 KW, unlimited time.

NEW—Jesse H. Jay, Miami, Fla.—C. P., **1200 kc.**, 100 watts, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Extension of S.A., **570 kc.**, 500 watts, 1 KW LS, unlimited time.

KFKA—The Mid-Western Radio Corp., Greely, Colo.—Modification of license, **630 kc.**, 500 watts, 1 KW LS, S-KPOF.

WBNX—Standard Cahill Co., Inc., New York City.—C. P., **1350 kc.**, 250 watts, 2½ KW LS, shares with WAWZ.

WBNX—Standard Cahill Co., Inc., New York City.—Modification of license, **1350 kc.**, 500 watts, shares with WAWZ.

APPLICATIONS RECEIVED

First Zone

WFMH—Joseph M. Kirby, Boston, Mass.—Modification of construction permit (B1-P-82) as modified to give site of transmitter and studio from site to be determined to: Studio-Copley Plaza Hotel, Boston, Mass., and the transmitter site at Speedway, West of Soldiers Field, Boston, Mass., and also extend commencement and completion dates.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Special experimental authorization to operate with 1 kilowatt power for a period of thirty days.

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Voluntary assignment of license to City of Atlantic City.

WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—Construction permit to make changes in equipment.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construction permit to move transmitter to a site to be determined, New York, make changes in equipment and increase power from 250 watts to 500 watts.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to install new equipment; move transmitter locally; change frequency from **1210 kc.** to **1230 kc.**; increase power from 100 watts to 250 watts night, 500 watts daytime, and hours of operation from daytime to unlimited.

WJZ—National Broadcasting Co., New York, N. Y.—License to cover special experimental authorization to increase power from 30 kilowatts to 50 kilowatts.

NEW—Knox Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit to erect a new station to be operated on **1240 kc.**, 1 KW, unlimited.

WBEN—WBEN, Inc., Buffalo, N. Y.—Construction permit to make equipment changes and increase power from 1 kilowatt to 5 kilowatts.

Second Zone

B2-PE-45—WBNS, Inc., Portable-Mobile.—Construction permit for general experimental station for **31100, 34600, 37600, 40600 kc.**, 2 watts.

B2-PE-46—WBNS, Inc., Portable-Mobile.—Construction permit for general experimental station for **31100, 34600, 37600, 40600 kc.**, 2 watts.

WSVA—Marion K. Gilliam, Harrisonburg, Va.—Voluntary assignment of construction permit (2-P-B-3280) as modified to Shenandoah Valley Broadcasting Corp.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit for new equipment, increase power from 250 watts to 1 kilowatt. Amended to request 500 watts day and night instead of 1 kilowatt.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to install new transmitter, make equipment changes, change frequency from **1310 kc.** to **1420 kc.**, power from 50 watts to 100 watts, 250 watts day. Facilities of WMBC.

NEW—Hyman Altman, Detroit, Mich.—Construction permit for new station to be operated on **1370 kc.**, 100 watts power, daytime.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 500 watts day and night. Amended to request 1 kilowatt day and night power.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 watts to 500 watts day and night. Amended to request 1 kilowatt power day and night.

NEW—Herbert Lee Blye, Uniontown, Pa.—Construction permit for new station to be operated on **1420 kc.**, 100 watts power, daytime.

NEW—Herbert Lee Blye, Lebanon, Pa.—Construction permit for new station to be operated on **1240 kc.**, 250 watts power, daytime. Request call WBLY.

NEW—Carl S. Taylor, DuBois, Pa.—Construction permit to erect a new broadcast station to be operated on **590 kc.**, 100 watts, daytime. Amended to change frequency from **590 kc.** to **850 kc.** and power from 100 watts to 250 watts.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of construction permit (B2-P-342) authorizing changes in equipment and increase in daytime power requesting further changes in equipment.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—License to cover construction permit, as modified, authorizing changes in equipment and increase in daytime power.

WWJ—The Evening News Association, Inc., Detroit, Mich.—Modification of construction permit authorizing moving of transmitter from 810 W. Lafayette Blvd, Detroit, Mich., to Intersection of Meyers and Eight Mile Road, Oak Park, Mich., requesting changes in equipment.

Third Zone

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction permit for new station to be operated on **1200 kc.**, 100 watts, daytime. Amended: Antenna and transmitter site to be determined.

NEW—Plainview Broadcasting Co., Plainview, Tex.—Construction permit for new station to be operated on **1500 kc.**, 100 watts, daytime. Amended: Site of transmitter to be determined.

NEW—Bell Publishing Co., Belton, Tex.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, daytime. Amended: Change frequency from **1310 kc.** to **1370 kc.** To be considered under Sec. 307 (b). Change studio site from Local Hotel at Belton, 9 miles from Temple, Tex., to Local Hotel, Temple, Tex.

NEW—Dudley J. Connolly, Elliott Knight, Roy W. Knight, and Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Construction permit for new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: Transmitter site to be determined; also antenna.

WWL—Loyola University, New Orleans, La.—Extension of special authority to operate on unlimited time, period from 8-1-35 to 2-1-36.

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Waycross, Ga.—Construction permit for new station on **1200 kc.**, 100 watts, unlimited time.

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Brunswick, Ga.—Construction permit for new station on **1500 kc.**, 100 watts, unlimited time.

KLUF—Geo. Roy Clough, Galveston, Tex.—License to cover special authority for increase of power from 100 watts to 100 watts, 250 watts day, and make equipment changes.

KGRS—Plains Radio Broadcasting Co., Amarillo, Tex.—Modification of license to change hours of operation from specified hours to unlimited, request call of KGNC and facilities of WDAG.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Transfer of control of station WTFI from Liberty Broadcasting Co. to Norman K. Winston.

NEW—E. F. Sapp and S. F. Sapp, tr/as Waycross Broadcasting Co., Waycross, Ga.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

NEW—East Texas Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental broadcast pickup station to be operated on **31100, 34600, 37600,** and **40600 kc.**, 30 watts.

WSPA—Virgil V. Evans, trading as The Voice of South Carolina, Spartanburg, S. C.—License to cover construction permit (3-P-B-3039) as modified for changes in frequency, hours of operation, increase in day power and move of transmitter.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Voluntary assignment of license to Forrest Broadcasting Co.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to use present licensed auxiliary transmitter as an auxiliary during period as authorized by special authority (to 11 p. m. EST) using 1 kilowatt power for the period 8-1-35 to 2-1-36.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to operate until 11 p. m., EST, with power 1 kilowatt for the period 8-1-35 to 2-1-36.

WGCM—WGCM, Inc., Mississippi City, Miss.—Construction permit for change of frequency from **1210 kc.** to **1120 kc.**; equipment changes; change time from specified hours to unlimited, power from 100 watts, 250 watts day, to 500 watts day and night. Amended: Change time from unlimited to unlimited except from 8 to 9 p. m. on Monday and Friday nights.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to make changes in equipment.

NEW—A. E. Hughes, d/b as Valdosta Broadcasting Co., Valdosta, Ga.—Construction permit for new station on **1500 kc.**, 100 watts, day.

Fourth Zone

NEW—Walker Jamar, Duluth, Minn.—Construction permit for new station on **1200 kc.**, 100 watts, unlimited. Amended: Change frequency from **1200 kc.** to **1500 kc.**, requesting facilities of KGFK.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of construction permit (B4-P-205) as modified to make equipment changes, and extend commencement date 10 days after grant and completion date 90 days thereafter.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—License to cover construction permit (B4-P-205) as modified for changes in equipment, increase of power, and extension of commencement and completion dates, give exact transmitter site.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to increase daytime operating power from 500 watts to 1 kilowatt.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Modification of license to increase power from 500 watts, 1 kilowatt day to 1 kilowatt day and night and change hours of operation from unlimited to specified hours. Amended to omit request for change in hours of operation.

W9XER—Midland Broadcasting Co., Inc., 10th and MeGee Sts., Kansas City, Mo.—License to cover construction permit for general experimental station on **31600, 35600, 38600, 41000, 86000** to **400000 kc.**, 50 watts.

WNAX—The House of Gurney, Inc., Yankton, S. D.—Modification of construction permit (B4-P-172) as modified to make equipment changes, approval of site of transmitter, Second and Capitol Streets. Amended: Antenna, change site of transmitter to Yankton County, S. D.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to change time from S-KFUO to unlimited, contingent on granting of KFUO to another frequency. Amended: Request facilities of KFUO, suggest that KFUO be assigned **1010 kc.** to sunset.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Modification of (B4-P-120) to make equipment changes, approval of site of transmitter at Blondo St., near 93d St., Omaha, Neb. Amended: Transmitter site changed to 56th and Kansas Ave., Omaha, Neb.

WDAY—WDAY, Inc., Fargo, N. Dak.—License to cover construction permit (B4-P-164) authorizing changes in equipment and increase in daytime power to 2½ kilowatts.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new equipment, increase power from 100 watts to 100 watts night, 250 watts daytime and hours of operation from daytime to unlimited.

KFJM—University of North Dakota, Grand Forks, N. Dak.—License to cover special experimental authorization for increase in daytime power from 100 watts to 250 watts.

KGBX—KGBX, Inc., Springfield, Mo.—Extension of special experimental authorization to operate on **1230 kc.**, 500 watts, local sunset to midnight, at new transmitter site.

W9XES—Midland Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station on **31600, 35600, 38600, 41000, 86000** to **400000 kc.**, 50 watts.

W9XET—Midland Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit for a general experimental station on **31600, 35600, 38600, 41000, 86000** to **400000 kc.**, 1½ watts.

NEW—E. W. Patrick, Brookfield, Mo.—Construction permit to erect a new station to be operated on **1310 kc.**, 100 watts, unlimited. Amended to change frequency from **1310 kc.** to **1210 kc.**, and change transmitter site from 224 South Main to site to be determined, Brookfield, Mo.

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Authority to determine operating power by direct measurement of antenna.

KSO—Cedar Rapids Broadcast Company, Des Moines, Iowa.—License to cover construction permit authorizing removal of station from Cedar Rapids to Des Moines, Iowa, and equipment changes.

Fifth Zone

NEW—Review Publishing Co. (Pearl B. Robinson, sole owner), Moscow, Idaho.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited. Amended re equipment changes.

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif.—Construction permit for new station to be operated on **1160 kc.**, 250 watts, daytime. Request call KPSP. Amended: Jurat, signature, and submitted financial statement.

NEW—A. Corenson, Pasadena, Calif.—Construction permit for new station to be operated on **1480 kc.**, 100 watts, daytime. Amended: Financial statement, attorney requests that application be set for hearing regardless of existing regulations.

KPOF—Pillar of Fire, Denver, Colo.—Authorization to install automatic frequency control.

KPOF—Pillar of Fire, Denver, Colo.—Construction permit to install new transmitter and make equipment changes.

NEW—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Construction permit for new station to be operated on **1420 kc.**, 100-250 watts day, unlimited time.

NEW—California Sales Contract Co., San Francisco, Calif.—Construction permit for new station to be operated on **1280 kc.**, 500 watts, 1 KW day, unlimited time.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho—Construction permit to move transmitter from corner Park Ave. and Broadway, Idaho Falls, Idaho, to site to be determined, increase power from 250 watts, 500 watts day to 500 watts 1 KW day.

NEW—A. Corenson, Ventura, Calif.—Construction permit for new station on **1210 kc.**, 100 watts, unlimited. Amended: Frequency changes to **600 kc.**, power to 250 watts.

NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit for new station on **1370 kc.**, 100 watts, unlimited. Amended re equipment.

KTM—Evening Herald Publishing Co., Los Angeles, Calif.—Modification of license to change time from S-KELW to unlimited. Facilities of KELW.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Construction permit to make changes in equipment; increase power from 100 watts, 250 watts day, to 1 KW; change frequency from **1310 kc.** to **610 kc.**; change hours of operation from specified hours to unlimited time; and move transmitter from Main and Fourth Sts., Wolf Point, Mont., to Wolf Point, Mont.

(locally). Amended to change frequency from **610 kc.** to **1450 kc.** and make further changes in equipment.

NEW—Pacific Acceptance Corp., San Diego, Calif.—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to change frequency from **1420 kc.** to **1200 kc.** and hours of operation from unlimited to daytime.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (5-P-B-2837) as modified to extend completion date from 6-15-35 to 12-15-35.

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to make changes in equipment, and increase power from 100 watts to 100 watts night and 250 watts daytime.

NEW—Howard W. Heskett, Santa Rosa, Calif.—Construction permit to erect a new station to be operated on **1280 kc.**, 250 watts, daytime.

KFXD—Frank E. Hurt, Nampa, Idaho—License to cover construction permit (B5-P-226) authorizing changes in equipment and increase in daytime power to 250 watts.

NEW—Victor B. Pitts, Raton, N. Mex.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change name of applicant to Victor B. Pitts, D. V. Tostenson, d/b as Raton Broadcasting Company.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—Construction permit for new station on **1500 kc.**, 100 watts, unlimited time.

NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, specified hours. Amended to request unlimited hours of operation and transmitter site to be determined.

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Modification of construction permit authorizing erection of new broadcast station to be operated on **610 kc.**, 250 watts, unlimited time, requesting approval of transmitter site and changes in equipment. Amended to request **1310 kc.**, 100 watts, and further changes in equipment.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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ASCAP TO EXTEND LICENSES TO DEC. 31

The American Society of Composers, Authors and Publishers has agreed to extend all existing broadcast licenses from September 1, 1935, to December 31, 1935.

This announcement was made during a conference between the NAB Copright Committee and the Committee of the ASCAP Board held in New York last week.

All contracts are to be extended under present terms and conditions and the ASCAP will send to all stations a brief form of extension provision which, when executed by the station, will become a part of the contract itself.

This action on the part of the ASCAP came as a result of the suggestion made by the NAB Committee and has the effect of extending broadcast licenses until the date upon which present contracts between the ASCAP and its publisher and composer members expire.

AUDIT BUREAU DISCUSSED

A proposal to make a preliminary study of all available data on the subject of radio advertising as the first step toward the creation of an independent bureau to authenticate station information has been considered in discussions between representatives of the NAB, the American Association of Advertising Agencies, and the Association of National Advertisers. These discussions are being carried on under the terms of a resolution adopted at the Cincinnati convention and the NAB committee consists of Arthur B. Church, KMBC; Edgar Kobak, NBC; John Karol, CBS; A. J. McCosker, WOR; John Elmer, WBCM; J. O. Maland, WHO–WOC; and J. V. L. Hogan, W2XR. It is proposed by the NAB that the preliminary study be undertaken by a joint committee on which the three groups have equal representation. The AAAA are in agreement with this proposal and the ANA is expected to agree also.

COMMERCIAL SECTION MEETING PROGRAM

Plans for the annual meeting of the NAB Commercial Section, to be held at the Palmer House, Chicago, Monday and Tuesday, June 10 and 11, in conjunction with the 31st Annual Convention of the Advertising Federation of America, are rapidly being consummated.

General sessions will be held on Monday and Tuesday morning, and an important meeting of the Commercial Committee will take place on Tuesday afternoon. The Monday morning session will be devoted to a panel discussion of "Retail Broadcast Advertising," while the Tuesday morning session will be devoted to a consideration of "Mutual Problems of the Buyer and Seller of Radio Advertising."

In addition to the panel discussion on Tuesday morning, there will be an address by the Hon. E. J. Adams, Chairman of the Special Board of Investigation of the Federal Trade Commission.

The Tuesday afternoon meeting of the Commercial Committee will be a closed session devoted to the consideration of the proposed agency recognition bureau of the NAB and similar matters.

The tentative program of the sessions is as follows:

Monday Morning, June 10

Opening Remarks—Arthur B. Church, Chairman, Commercial Committee, National Association of Broadcasters.

Panel Discussion—"Retail Broadcast Advertising."
- H. K. Carpenter, Manager, WHK, Cleveland, O., Chairman.
- Kenneth Taylor, Vice President & Merchandise Manager, John Taylor Dry Goods Co., Kansas City, Mo.
- Marvin Oreck, Vice President, Oreck's Inc., Duluth, Minn.
- Dade B. Epstein, Dade B. Epstein Advertising Agency, Chicago, Ill.
- Frank W. Spaeth, Manager, Sales Promotion Division, National Retail Dry Goods Association, New York, N. Y.
- John Henry, President, KOIL, Council Bluffs, Iowa.
- John Shepard, 3rd, President, Yankee Network, and owner Shepard Stores, Boston, Mass.
- Dr. Herman S. Hettinger, Director of Research, NAB, and Merchandising Department, University of Pennsylvania.

Tuesday Morning, June 11

Address—Hon. E. J. Adams, Chairman, Special Board of Investigation, Federal Trade Commission, Washington, D. C.

Panel Discussion—"Mutual Problems of the Buyer and Seller of Radio Advertising."
- Arthur B. Church, Vice President, KMBC, Kansas City, Mo., Chairman.
- John A. Benson, President, American Association of Advertising Agencies, New York, N. Y.
- Stuart Peabody, The Borden Company, Chairman of the Board, Association of National Advertisers, New York, N. Y.
- Nathan H. Pumpian, Henri, Hurst & McDonald, Chicago, Ill.
- Hugh K. Boice, Vice President in Charge of Sales, Columbia Broadcasting System, New York, N. Y.
- Edgar Kobak, Vice President in Charge of Sales, National Broadcasting Company, New York, N. Y.
- John F. Patt, President, WGAR, Cleveland, O.
- Lloyd C. Thomas, President & General Manager, WROK, Rockford, Ill.

STUDEBAKER NAMED EDUCATION CHAIRMAN

The Federal Communications Commission named Dr. John Studebaker, Commissioner of Education, chairman of a committee

Make Your Reservations Early

for the

THIRTEENTH ANNUAL NAB CONVENTION

BROADMOOR, COLORADO SPRINGS, COLO.—JULY 6, 7, 8, 9, 10, 1935 of educators and broadcasters to study the question of education by radio. Other members of the Committee will be announced at a later date by the Commission. Dr. Studebaker's appointment came at the close of the two-day conference on radio education which was called by the Commission for the purpose of developing closer cooperation between broadcasters and educators. The broadcasters were represented by J. Truman Ward, president of the NAB, who joined with Dr. Studebaker in the suggestion that a Committee be appointed to give consideration to the discussions of the conference.

TRANSRADIO SUES FOR $1,100,000

The Transradio Press Service, Inc., and its affiliate, the Radio News Association, has instituted suit in the United States District Court for more than $1,100,000 damages, charging that the Associated Press, Inc., United Press Association, Inc., International News Service, Inc., the American Newspaper Publishers' Association, Inc., the Columbia Broadcasting System, Inc., and the National Broadcasting Company, Inc., have conspired to destroy their business of selling news to be broadcast. The plaintiffs not only charge violation of the Sherman and Clayton Anti-trust Laws but appeal for relief under the Federal Communications Act. The bill attacks the so-called "press-radio agreement" drawn up in March, 1934, to govern the broadcasting of news.

CONVENTION COMMITTEE NAMED

Chairman Spence last week named the following as members of the General Convention Committee:

Edwin M. Spence, WBAL, Baltimore, Md., Chairman.
Guy Earle, Radio Station KNX, Hollywood, California.
Ed Craney, Radio Station KGIR, Butte, Montana.
Ralph Brunton, Radio Station KJBS, San Francisco, California.
Glen Snyder, Radio Station WLS, Chicago, Illinois.
P. J. Meyer, Radio Station KFYR, Bismarck, North Dakota.
William West, Radio Station WTMV, East St. Louis, Missouri.
Hugh Halff, Radio Station WOAI, San Antonio, Texas.
Hoyt Wooten, Radio Station WREC, Memphis, Tennessee.
E. D. Gluck, Radio Station WSOC, Charlotte, North Carolina.
Crede Harris, Radio Station WHAS, Louisville, Kentucky.
Campbell Arnoux, Radio Station WTAR, Norfolk, Virginia.
Roy Thompson, Radio Station WFBG, Altoona, Pennsylvania.
Paul W. Morency, Radio Station WTIC, Hartford, Connecticut.
Chas. Burton, Radio Station WEEI, Boston, Massachusetts.
Radio Station WNBF, Binghamton, New York.

O'FALLON HEADS LOCAL COMMITTEE

Gene O'Fallon, KFEL, Denver, Colo., has been named chairman of the Local Convention Committee which will have charge of local arrangements for the 13th annual convention of the NAB to be held at Colorado Springs, Colo., July 6 to 10. Other members of the Committee are: F. W. Meyer, KLZ; G. E. Nelson, KOA; W. D. Pyle, KVOD.

MAKE RESERVATIONS EARLY

NAB members planning to attend the annual convention at Colorado Springs, Colo., July 6 to 10, are advised and urged to make their reservations at the earliest possible date. July is the time when the tourist season is at its height in the Colorado Springs region and eleventh hour reservations might not be as desirable as those made earlier. Write for information and make your reservations through the Broadmoor, Colorado Springs, Colo.

FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Complaints

The following complaints of unfair competition have been dismissed by the Commission:

No. 2246. M. H. Myers Concrete Works, Wausau, Wis. Dismissed on the basis that the respondent engages exclusively in intrastate business.

No. 2289. Kraemer Hosiery Co., Nazareth, Pa. Complaints as to unfair competition in the sale of hosiery dismissed.

No. 2016. Robert Z. Drake, trading as Standard Bridge Co., Omaha, Nebr. Complaints as to unfair competition in the sale of lumber dismissed.

Voluntary Agreements

No. 0855. Brossier Twins Laboratories, Orlando, Fla. The company agrees to stop representing generally that its preparation "A.F.-3," will relieve or heal impetigo, athletes' foot, marsh poisoning, eczema, Florida sores and other irritation or that its application to the affected parts will kill parasitic dandruff, add lustre to the hair, health to the scalp, or destroy parasitic or fungus infections.

Cease and Desist Orders

The following cease and desist orders have been issued by the Federal Trade Commission:

Nos. 2150, 2151, 2152. Morton Salt Co., Chicago, Ill.; Jefferson Island Salt Co., Inc., Louisville, Ky.; Myles Salt Co., Ltd., New Orleans, La. The respondent companies are ordered to cease and desist from representing their salt as "smoked" on brands, labels, in newspapers, periodicals or by radio, "unless the salt so described has been or is directly subjected to the action and effect of the smoke from burning wood during the process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats."

No. 2236. Ossola Bros., Inc., Pittsburgh, Pa. The respondent is ordered to discontinue advertising Grande Italia tomato paste or sauce by means which imply that the product is made in or imported from Italy, when this is not true.

Affirmation of Order

No. 2037. The United States Circuit Court of Appeals for the Tenth Circuit, Denver, has affirmed the Federal Trade Commission's order to cease and desist in the case of the Maisel Trading Post, Inc., Albuquerque, N. Mex. The Commission order prohibited the description of silver jewelry products made partly by machinery as "Indian" or "Indian-Made" unless it was shown that such product had been made partly by machinery.

Complaints

The following complaints have been issued by the Commission. Respondent companies will be given opportunity to appear before the Commission to show cause why cease and desist orders should not be issued against them:

No. 2387. Security Silverware Distributors, Inc., Chicago, and its officers, William C. and Lorena Steffy, trading as Atlas Globe China Co., Advertising Department, and as Bordeaux China Co. The respondents are alleged to have made representations tending to deceive the public into believing them to be connected with the International Silverware Co., and with the Atlas Globe China Co., and that the Bordeaux China Co., was a manufacturer and that the respondents were its agents. It is also alleged that the silverware with which the respondents pretended to redeem certificates, etc., was not genuine Rogers "1847" Silverware as represented. Hearing Friday, June 21.

Nos. 2390, 2391. Distillers Brands, Inc., Cincinnati, and Quality Distillers, Inc., Los Angeles. The respondents are charged with improper and deceiving use of the word "Distillers" in their corporate names and on labels, when in fact they are not distillers.

The Federal Communications Commission on May 21 issued the following statement concerning "Marmola" programs:

"Twenty-one radio broadcasting stations, many of them outstanding, must appear before the Broadcast Division of the Federal Communications Commission on October 3, 1935, and at a hearing prove that their continued operation will be in the public interest. Pending the outcome of the hearing they will be granted temporary licenses.

"The stations cited are:

"KNX, Los Angeles; WBAP, Fort Worth, Tex.; WGAR, Cleveland, Ohio; WBAL, Baltimore; WGR, Buffalo, N. Y.; WHEC, Rochester, N. Y.; WHO, Des Moines, Iowa; WIOD, Miami, Fla.; WIND, Gary, Ind.; WIRE, Indianapolis, Ind.; WJAS, Pittsburgh, Pa.; WJJD, Chicago; WJR, Detroit, Mich; WKBW, Buffalo, N. Y.; WOW, Omaha, Nebr.; WOWO, Fort Wayne, Ind.; WSMB, New Orleans; WTMJ, Milwaukee, Wis.; KFRC, San Francisco; KMBC, Kansas City; and KMOX, St. Louis, Mo.

"Applicants for renewal of licenses were designated for hearing, for the most part, because the stations at various periods carried a program entitled "Marmola," a preparation represented to reduce fat. That preparation has been under the ban of the Post Office Department for some years and also is in disfavor with the Federal Trade Commission. Some of the stations still carry that program.

"In cases where renewal application is not now pending the Commission adopted a minute reading:

> " 'Applications for renewal of license ordered to be filed under Rule 17 and upon receipt thereof said application will be designated for hearing.'

"In April, 1929, the Federal Trade Commission issued a cease and desist order against the Raladam Company, distributors of Marmola. The concluding order in that case directed that the Raladam Company to cease and desist:

> " 'From representing Marmola as a remedy for the treatment of obesity unless such representation is accompanied by a statement that Marmola cannot be taken with safety to physical health except under the direction and advice of competent medical authority.'

"In that order the Federal Trade Commission indicated that the promiscuous sale and use of Marmola is inimical to the public health and possible menace to the public welfare.

"The Supreme Court of the United States, however, reversed the Federal Trade Commission in that case on the ground that competition in interstate commerce was not shown, but made this statement:

> " 'Findings supported by evidence warrant the conclusion that the preparation is one which cannot be used generally with safety to physical health except under medical direction and advice.'

"The Post Office Department some time ago cited Marmola in fraud order proceedings and at the conclusion of the hearing Marmola producers stipulated they would go out of business and cease its mail distribution. Subsequently the Marmola Company reorganized, becoming the Raladam Company. While distribution through the mails was eliminated, distribution through drug stores was substituted.

"While the Commission under the law has no authority to censor programs, it is charged with the duty to see that stations are operated for the public welfare and the courts have held that the Commission can take cognizance of broadcasts inimical to the public health."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Brandy-Wine Brewing Company, Brandywine, Md. (2-1417, Form A-1)

The Read Drug & Chemical Co., Baltimore, Md. (2-1420, Form A-2)

Nightingale Gold, Inc., Denver, Colo. (2-1421, Form A-1)

Muncie Water Works Company, Muncie, Ind. (2-1422, Form A-2)

Gemmer Manufacturing Company, Detroit, Mich. (2-1423, Form A-2)

Income Estates of America, Inc., Philadelphia, Pa. (2-1424, Form C-1)

Federated Mining Corp., Ltd., Toronto, Canada. (2-1425, Form A-1)

Sierra Nevada Mining Corporation, Charleston, W. Va. (2-1426, Form A-1)

Milwaukee Terminals, Inc., Milwaukee, Wis. (2-1427, Form E-1)

National Invested Savings Corporation, Washington, D. C. (2-1428, Form A-1)

WEBC GRANTED STAY ORDER

The United States Court of Appeals for the District of Columbia has granted a stay order to Station WEBC and the City of Moorhead, Minn.

Petition for stay and an appeal were filed with the Court by the station and city against a decision of the Federal Communications Commission granting Station KGFK pemission to move from Moorhead to Duluth, Minn. The Commission did not oppose the stay petition.

RECOMMENDATION AGAINST AGENCY

T. Yount, doing business as the Universal Advertising Agency, filed an application with the Federal Communications Commission for a permit to locate and maintain a radio broadcast studio at Laredo, Texas, for the transmission of radio programs for broadcast from Mexico, particularly Station XENT, at Nuevo Laredo, Tamaulipas.

Commissioner Thad H. Brown, who conducted the hearing in Texas on this application recommends that it be denied. The Commissioner states that "there is serious doubt, from the evidence presented in this case, that T. Yount is in fact the real party in interest in this application." He states also that "it is believed that the evidence regarding what certainly appears to be a rather close association of the applicant with Station XENT should be considered carefully in connection with paragraph 325 (c) of the Communications Act of 1934, which provides that a license or permit, such as applied for in this case, shall be revocable for false statements in the application."

BROWN RECOMMENDS AGAINST GRANT

Mary H. and W. C. Morris, a partnership working as Hotel Eagle, filed an application with the Federal Communications Commission asking for a permit to locate, maintain, or use studio or apparatus for broadcasts of programs to be transmitted from the hotel at Eagle Pass, Texas, to Station XEPN, at Piedras Negras, Mexico.

Commissioner Thad H. Brown, who conducted hearings in this case in Texas, recommends that the application be denied. The Commissioner found that "in general the applicant has not shown sufficient qualifications to justify the granting of the license; has not shown that the programs are in the public interest or that the granting of the application would serve the public interest, convenience, and necessity, and a specific violation of the Act has been shown."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, May 27, 1935

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—C. P., **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted consent to transfer control of Sanders Bros. Radio Station, licensee of Station WKBB, from R. W. Hoffman to Walter E. Klauer.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted license to cover C. P. to make changes in equipment.

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Granted modification of C. P. (as amended) approving studio and transmitter sites to Goldstein Bldg., and changes in equipment; also to change frequency from

610 kc. to **1310 kc.** and power from 250 watts, unlimited, to 100 watts night and day.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted modification of C. P. to change type of equipment.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Granted consent to voluntary assignment of license to Plains Radio Broadcasting Co. (**1410 kc.**, 1 KW, S.H.).

W9XES—Midland Broadcasting Co., Inc., Portable-Mobile, Kansas City, Mo.—Granted license to cover C. P. (gen. exp. station); frequencies **31600, 35600, 38600, 41000, 86000-400000 kc.**, 50 watts, unlimited time.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla., Portable.—Granted C. P. for new broadcast pickup station; frequencies **1606, 2020, 2102** and **2760 kc.**, 50 watts power.

NEW—WBNS, Inc., Portable-Mobile (Columbus, Ohio) (2 applications).—Granted C. P. (exp. gen. exp.); frequencies **31100, 34600, 37600, 40600 kc.**, 2 watts.

NEW—WCBD, Inc., Portable (Waukegan, Ill.).—Granted C. P. (exp. gen. exp.); frequencies **31100, 34600, 37600, 40600 kc.**, 5 watts.

SET FOR HEARING

NEW—Century Broadcasting Co., Inc., Richmond, Va.—Application for C. P. for new station; **1370 kc.**, 100 watts, daytime only.

NEW—Roberts MacNab Hotel Co., Jamestown, N. Dak.—Application for C. P. for new station; **1420 kc.**, 100 watts, unlimited, transmitter site to be determined.

NEW—Clark Standiford, San Jose, Calif.—Application for C. P. for new station; **1500 kc.**, 100 watts, daytime only.

NEW—George B. Storer, Detroit, Mich.—Application for C. P. for new station; **680 kc.**, 1 KW, daytime.

NEW—Hyman Altman, Detroit, Mich.—Application for C. P. for new station; **1370 kc.**, 100 watts, daytime, transmitter site to be determined.

NEW—Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.—Application for C. P. for new station; **1370 kc.**, 100 watts, unlimited time.

NEW—D. B. Sutton, Miami, Fla.—Application for C. P. for new station; **1210 kc.**, 100 watts, unlimited time, transmitter and studio sites to be determined.

NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—Application for C. P. for new station; **1310 kc.** 100 watts, unlimited, transmitter location to be determined.

NEW—A. Corenson, Pasadena, Calif.—Application for C. P. for new station requesting frequency **1480 kc.**, 100 watts, daytime. To be heard by the Division en banc on September 19, 1935.

NEW—Dudley J. Connolly, Elliot Knight, Roy W. Knight, and Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Application for C. P. for new station; **1200 kc.**, 100 watts, unlimited time, site to be determined.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Application for C. P. to move transmitter locally; change frequency from **920 kc.** to **760 kc.**; increase daytime power from 1 to 5 KW; install new equipment, requesting facilities of KXA, Seattle. To be heard by the Division en banc on September 26th.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Application for C. P. to move transmitter locally to a site to be determined; increase power from 250 to 500 watts night, 500 watts to 1 KW day.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Application for special experimental authority to operate with 1 KW power for period of 30 days.

WRBL—WRBL Radio Studio, Inc., Columbus, Ga.—Application for renewal of license; **1200 kc.**, 100 watts, unlimited time. Granted temporary license pending hearing.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Application for renewal of license; **1450 kc.**, 500 watts night, 1 KW day, unlimited time. Granted temporary license pending hearing.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Application for renewal of license; **1400 kc.**, 500 watts night, 1 KW day, unlimited time. Granted temporary license pending hearing.

WHEC—WHEC, Inc., Rochester, N. Y.—Application for renewal of license; **1430 kc.**, 500 watts night, 1 KW day, unlimited time. Granted temporary license pending hearing.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for renewal of license; **1300 kc.**, 1 KW, unlimited time, and granted temporary license pending hearing.

WSMB—WSMB, Inc., New Orleans, La.—Application for renewal of license; **1320 kc.**, 1 KW, unlimited time, and granted temporary license pending hearing.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Application for renewal of license; **1480 kc.**, 5 KW, unlimited, and granted temporary license pending hearing.

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Harrisonburg, Ill.—Application for renewal of license; **1210 kc.**, 100 watts night, 250 watts day, S.H., and granted temporary license pending hearing.

MISCELLANEOUS

KWTO—KGBX, Inc., Springfield, Mo.—C. P. to increase power from 1 to 5 kilowatts for daytime use, which was set for hearing on May 14, because of protest of Springfield Newspapers, Inc., was reconsidered and said protest dismissed, and authority heretofore granted to KGBX sustained.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied petition to rehear application for renewal of license.

KGFK—Red River Broadcasting Co., Moorhead, Minn.—In conformity with Stay Orders granted by U. S. Court of Appeals for the D. C. on May 16, 1935, in Causes No. 6473, Head of Lakes Broadcasting Co., Appellant, v. Federal Communications Commission, and No. 6474, City of Moorhead, Minn., Appellant, v. Federal Communications Commission, the Commission directed that the effective date of C. P. to move station KGFK from Moorhead to Duluth be extended as of April 20, 1935, until further order of the Court and the Commission.

WCBS—WCBS, Inc., Springfield, Ill.—Action of March 5, 1935, granting application to change frequency from **1210 kc.** to **1420 kc.**, and hours of operation from sharing with WTAX to specified, 6 a. m. to 10 p. m., affirmed, the protests of WHFC, WEHS and WKBI having been withdrawn and dismissed.

WTAX—WTAX, Inc., Springfield, Ill.—Affirmed action of March 19, 1935, granting unlimited time, this action having been suspended because of protests to granting of WCBS application.

WFAX—Westchester Broadcasting Corp., White Plains, N. Y.—Denied petition requesting reconsideration and grant of application to make changes in equipment and increase day power to 250 watts.

NEW—Jack Powers, et al., doing business as Utah Broadcasting Co., Salt Lake City, Utah.—Denied motion of Utah Radio Educational Society to reconsider and deny motion for rehearing which was filed by Jack Powers, et al., and granted by the Commission on April 30.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Dismissed from hearing docket and retired to the files application to change frequency from **1410 kc.** to **1120 kc.**

KBTM—Beard's Temple of Music, Paragould, Ark.—Granted C. P. on condition that efficient antenna is installed; also granted special temporary experimental authorization to operate station with present equipment at Jonesboro, Ark., for a period not exceeding 30 days.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KASA, Elk City, Okla.; KCRJ, Jerome, Ariz.; KDLR, Devils Lake, N. Dak.; KFBK, Sacramento, Cal.; KFOR, Lincoln, Nebr.; KFPW, Fort Smith, Ark.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Cal.; KFXR, Oklahoma City, Okla.; KGBX, Springfield, Mo.; KCCX, Wolf Point, Mont.; KGDE, Fergus Falls, Minn.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGFW, Kearney, Neb.; KGHI, Little Rock, Ark.; KGVO, Missoula, Mont.; KGY, Olympia, Wash.; KIEM, Eureka, Cal.; KMED, Medford, Ore.; KMLB, Monroe, La.; KOOS, Marshfield, Ore.; KPPC, Pasadena, Cal.; KRMD, Shreveport, La.; KSUN, Lowell, Ariz.; KTSM, El Paso, Tex.; KWG, Stockton, Cal.; KXRO, Aberdeen, Wash.; WALR, Zanesville, Ohio; WAML, Laurel, Miss.; WBBL, Richmond, Va.; WBEO, Marquette, Mich.; WBOW, Terre Haute, Ind.; WBRB, Red Bank, N. J.; WBRE, Wilkes-Barre, Pa.; WCAT, Rapid City, So. Dak.; WCAX, Burlington, Vt.; WCLO, Janesville, Wis.; WCLS, Joliet, Ill.; WCOL, Columbus, O.; WCRW, Chicago; WEBQ, Harrisburg, Ill.; WEXL, Royal Oak, Mich.; WFAM, South Bend, Ind.; WFAS, White Plains, N. Y.; WFBE, Cincinnati, Ohio; WFBG, Altoona, Pa.; WFDF, Flint, Mich.; WGBB, Freeport, N. Y.; WGCM, Mississippi City, Miss.; WGH, Newport News, Va.; WGNY, Chester Township, N. Y.; WHAT, Philadelphia, Pa.; WHBC, Canton, Ohio; WHBF, Rock Island, Ill.; WHBU, Anderson, Ind.; WIBU, Poynette, Wis.; WIBX, Utica, N. Y.; WJAC, Johnstown, Pa.; WJW, Akron, Ohio; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WLBC, Muncie, Ind.; WLVA, Lynchburg, Va.; WMBG and auxiliary, Richmond, Va.; WMBO, Auburn, N. Y.; WMPC, Lapeer Mich.; WNBH, New Bedford, Mass.; WOL, Washington, D. C.; WOMT, Manitowoc, Wis.; WPAX, Thomasville, Ga.; WPRO, Providence, R. I.; WRAW, Reading, Pa.; WROL, Knoxville Tenn.; WSAJ, Grove City, Pa.; WSGN, Birmingham, Ala.; WSIX, Springfield, Tenn.; WSJS, Winston-Salem, N. C.; WSOC, Charlotte, N. C.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WIL, St. Louis, Mo.; WLNH, Laconia, N. H.; KIT, Yakima, Wash.

The following stations were granted renewal of licenses for the period ending October 1, 1935:

WLB, Minneapolis, Minn.; WTCN, Minneapolis, Minn.

WCBA (and auxiliary)—B. Bryan Musselman, Allentown, Pa.—Granted renewal of license for the period ending November 1, 1935.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Present license extended for a period of 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Present license extended on a temporary basis only to July 1, 1935, subject to such action as may be taken on pending application for renewal.

KGDY—Voice of South Dakota, Huron, S. Dak.—Present license extended on a temporary basis only to July 1, 1935, subject to such action as may be taken on pending application for renewal.

WRBX—Richmond Development Corp., Roanoke, Va.—Present license extended on a temporary basis only to July 1, 1935, subject to such action as may be taken on pending application for renewal.

APPLICATIONS RECEIVED

First Zone

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—
570 Construction permit to install new equipment, change power from 250 watts to 500 watts, and move transmitter locally, site to be determined. Amended to make changes in equipment, change power from 500 watts to 1 KW, change transmitter location from to be determined to Nedrow, N. Y., and extend commencement and completion dates.

WOKO—WOKO, Inc., Albany, N. Y.—Construction permit to
1430 make changes in equipment and move transmitter locally.

W2XDG—National Broadcasting Co., Inc., 350 Fifth Avenue, New York, N. Y.—Renewal of license amended so as to delete police service frequencies **30100, 33100, 37100** and **40100 kc.**

Second Zone

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Construction
1120 permit to erect a new broadcast station to be operated on **1120 kc.,** 250 watts, daytime.

NEW—William S. Thellman, New Castle, Pa.—Construction permit
1200 to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, specified hours.

WMBG—Havens and Martin, Inc., Richmond, Va.—Construction
1350 permit to install new equipment, change frequency from **1210 kc.** to **1350 kc.,** move transmitter, increase power from 100 watts night, 250 watts daytime, to 500 watts, unlimited time. Amended to make further equipment changes.

W8XEH—The Ohio State University, Portable.—License to cover construction permit for a general experimental (broadcast pickup) station for **31100, 34600, 37600, 40600, 86000, 400000 kc.,** 10 watts.

Third Zone

NEW—The Attala Broadcasting Corp., Columbus, Miss.—Con-
1200 struction permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting
1210 Co., Atlanta, Ga.—Construction permit for a new station to be operated on **1200 kc.,** 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1210 kc.** and hours of operation from unlimited to daytime.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—
1210 Modification of construction permit for a new station to be operated on **1210 kc.,** 100 watts, daytime, requesting approval of transmitter site as corner Northwest and Chickasaw Blvds., Ardmore, Okla.; move of studio from 114-116 N. Washington St., Ardmore, Okla., to corner Northwest and Chickasaw Blvds., Ardmore, Okla.; and make changes in equipment.

W5XG—Carter Publications, Inc., Portable-Mobile.—Modification of license to include the frequencies of **31100, 34600** and **40600 kc.**

Fourth Zone

KFNF—Henry Field Co., Shenandoah, Iowa.—Modification of
890 license to increase night power from 500 watts to 1 KW.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction
900 permit to make minor changes in equipment and move transmitter and studio from 600 State Street, Quincy, Ill., to 510 Main Street, Quincy, Ill. Amended to omit request for move of transmitter and studio.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to
950 cover construction permit for installation of new equipment and increase in daytime power to 5 KW.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modifica-
950 tion of license to determine operating power by direct measurement.

KIUL—Garden City Broadcasting Co. (Homer A. Ellison and
1210 Frank D. Conard), Garden City, Kans.—License to cover construction permit (B4-P-235) for a new station.

WFBM—Indianapolis Power and Light Co., Indianapolis, Ind.—
1230 Modification of construction permit authorizing move of transmitter from Meridian at 3 Notch Road to Millersville Road, near Indianapolis, Ind., and move studio from 229 N. Pennsylvania Street, Indianapolis, Ind., requesting changes in equipment.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—
1290 License to cover construction permit (B4-P-176) to make changes in equipment and increase in power.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to
1320 cover special experimental authorization to operate on 500 watts, 1 KW day.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis,
1500 Ill.—License to cover construction permit (B4-P-140) as modified for a new station.

Fifth Zone

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification
560 of construction permit to move transmitter from Pecos and Jewell Streets, outside city limits, Denver, Colo., to site to be determined near Denver, Colo.; to extend commencement and completion dates and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Extension of special experimental authorization to operate on **780 kc.** for period of 90 days.

NEW—Ralph E. Smith, San Diego, Calif.—Construction permit to
1200 erect a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

KVOR—S. H. Patterson, Colorado Springs, Colo.—Construction
1270 permit to move transmitter from 14 South Nevada Street, Colorado Springs, Colo., to outside city limits, Colorado Springs, Colo., and make changes in equipment.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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PRESIDENT NOMINATES PRALL

Anning S. Prall, chairman of the Federal Communications Commission, has been renominated by President Roosevelt as member of the Commission for a seven-day term from July 1 next. The Senate Committee on Interstate Commerce to whom the nomination has been referred has not yet acted.

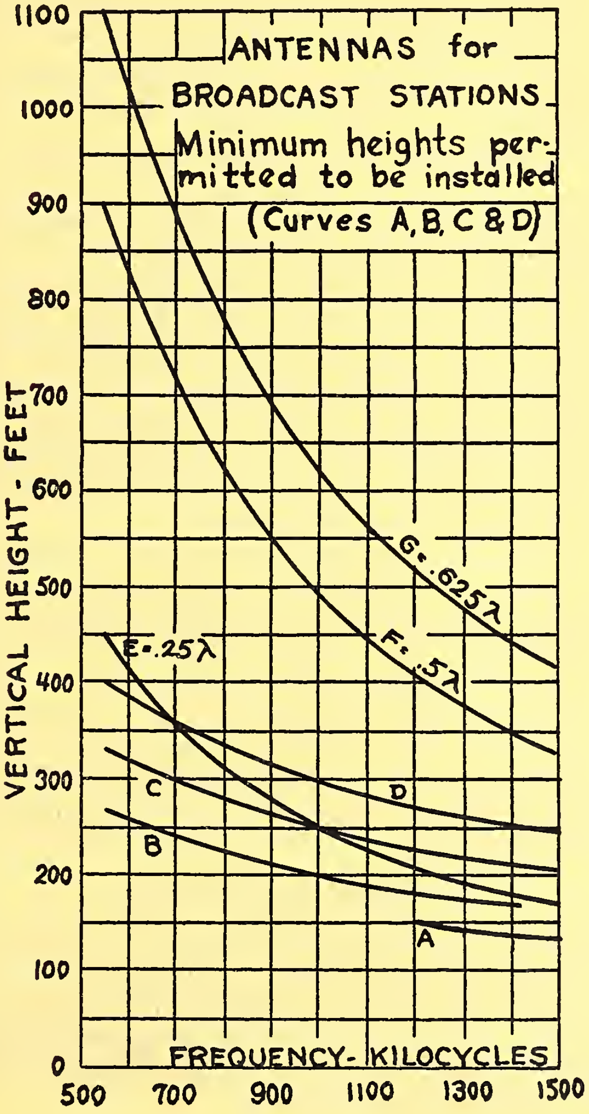
FCC PROPOSES ANTENNA REGULATIONS

Applicants for construction permits involving new antenna systems hereafter will be required by the Federal Communications Commission to show that the proposed antenna systems meet certain minimum requirements as to radiating efficiency.

The policy of the FCC Engineering Department will be to disapprove the construction of inefficient antenna systems. No action regarding existing inefficient antenna systems is at present contemplated.

As the radiating efficiency of the conventional broadcast antenna depends primarily upon its physical height, the FCC Engineering Department has proposed tentative minimum heights to which new construction must conform. In the cases of unconventional systems or under unusual circumstances certain specified efficiencies may be utilized instead of the figures for physical height. When departure from the specified minimum heights is taken, it is contemplated that the burden of proof of expected efficiency and of performance after erection will be upon the applicant.

It is understood that the figures shown in chart are tentative subject to final adoption.



Curve A: Local channel stations or minimum field of 100 mv/m. for 1 KW.

Curve B: Regional channel stations (250, 500 and 1,000 watts), or minimum field of 150 mv/m. for 1 KW.

Curve C: Regional, limited time and high power regional stations (5 and 10 KW) or minimum field of 175 mv/m. for 1 KW.

Curve D: All dominant clear channel stations and limited time or high power regional stations over 10 KW, or minimum field of 200 mv/m. for 1 KW.

BROADCASTING STATIONS IN CANADA

Frequency in Kilocycles	*Call Sign*	*Location of Transmitter*	*Licensed Power in Watts*
530	CJKL	Kirkland Lake, Ont.	1,000
540	CJRM	Belleplaine, Sask.	1,000
550	CFNB	Fredericton, N. B.	1,000 D. 500 N.
580	CFPR	Prince Rupert, B. C.	50
	CKUA	South Edmonton, Alta.	500
	CHRC	Quebec, Que.	100
	CKCL	Toronto, Ont.	100
600	CJOR	Sea Island, B. C.	500
	CFCF	Montreal, Que.	400
	CRCW	Sandwich S. Twp., Essex County, Ont.	1,000 D. 500 N.
630	CKOV	Kelowna, B. C.	100
	CJGX	Yorkton, Sask.	500
	CFCY	Malpeque Road, near Charlottetown, P. E. I.	1,000
690	CJCJ	Calgary, Alta	100
	CFRB	Twp. of King, Ont.	10,000
730	CJCA	Belmont View, Alta.	1,000
	CFPL	London, Ont.	100
	CKAC	St. Hyacinthe, Que.	5,000
780	CHWK	Chilliwack, B. C.	100
	CKSO	Neelon Twp., Sudbury, Ont.	1,000
840	CFQC	Saskatoon, Sask.	1,000
	CRCT	Bowmanville, Ont.	5,000
880	CFJC	Kamloops, B. C.	100
	CRCO	Hawthorne, Ont.	1,000
890	CJIC	Tarentorus Twp., District of Algoma, Sault Ste. Marie, Ont.	100 Day Only
910	CJAT	Trail, B. C.	250
	CRCM	La Prairie, Que.	5,000
930	CFAC	Calgary, Alta.	100
	CKPR	Port Arthur, Ont.	100
	CFCH	North Bay, Ont.	100
	CKPC	Brantford, Ont.	100
	CFLC	Prescott, Ont.	100
	CHNS	Bedford, N. S.	1,000
950	CRCS	Chicoutimi, Que.	100
960	CKY	Headingly, Man.	15,000

Frequency in Kilocycles	*Call Sign*	*Location of Transmitter*	*Licensed Power in Watts*
1010	CKCD	Vancouver, B. C.	100
	CKWX	Vancouver, B. C.	100
	CHWC	Pilot Butte, Sask.	500
	CKCK	Regina, Sask.	500
	CHML	Mount Hamilton, Ont.	50
	CKCO	Boom Island, Que.	100
	CKIC	Wolfville, N. S.	50
1030	CFCN	Strathmore, Alta.	10,000
	CKLW	Sandwich South Twp., Essex County, Ont.	5,000
1050	CFCO	Chatham, Ont.	100
	CRCK	Charlesbourg, Que.	1,000
1100	CRCV	Lulu Island, B. C.	1,000
1120	CKOC	Fruitland, Ont.	1,000 D. 500 N.
1120	CHLP	Montreal, Que.	100
	CHSJ	Saint John, N. B.	1,000 D. 500 N.
	CKX	Brandon, Man.	100
1200	CHAB	Moose Jaw, Sask.	100
	CKNX	Wingham, Ont.	50
	CKTB	Port Dalhousie, Ont.	100
1210	CJCS	Stratford, Ont.	50
	CJCU	Aklavik, N. W. T.	50
	CKBI	Prince Albert, Sask.	100
	CKMC	Cobalt, Ont.	50
	CKCH	Hull, Que.	100
1230	CJOC	Lethbridge, Alta.	100
1240	CJCB	South Bar Highway, near Sydney, N. S.	1,000
1260	CFRN	Edmonton, Alta.	100
1310	CKCV	Quebec, Que.	100
	CJLS	Yarmouth, N. S.	100
	CHCK	Charlottetown, P. E. I.	50
1370	CKCW	Moncton, N. B.	100
1390	CJRC	Middlechurch, Man.	100
1410	CHNC	New Carlisle, Que.	1,000 D. 500 N.
	CKFC	Vancouver, B. C.	50
	CKMO	Vancouver, B. C.	100
1420	CKGB	Timmins, Ont.	100
	CKNC	Toronto, Ont.	100
1450	CFCT	Victoria, B. C.	50
	CHGS	Summerside, P. E. I.	50
1510	CKCR	Waterloo, Ont.	100
	CFRC	Kingston, Ont.	100
6150	CJRO	Middlechurch, Man.	2,000
11720	CJRX	Middlechurch, Man.	2,000

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Avocalon Extension Syndicate, Ltd., Toronto, Canada. (2-1440, Form A-1)

Gregory-Bates Mining Corp., Denver, Colo. (2-1441, Form A-1)

Industrial Securities Corp., Middletown, Conn. (2-1442, Form A-1)

Southern Utah Power Company, Cedar City, Utah. (2-1443, Form A-2)

The Borden Industries, Inc., Washington, D. C. (2-1444, Form A-1)

Associates Investment Co., South Bend, Ind. (2-1445, Form A-2)

Bondholders Committee for Gold Bonds of John E. DuBois, Chicago, Ill. (2-1446, Form D-1)

National Educators Mutual Association, Inc., Nashville, Tenn. (2-1447, Form A-1)

Eastern Racing Association, Boston, Mass. (2-1430, Form A-1)

Monsanto Chemical Company, St. Louis, Mo. (2-1432, Form A-2)

Bondholders Committee National Bank of Panama, New York City. (2-1433, Form D-1)

Monitor Mining Corporation, Denver, Colo. (2-1434, Form A-1)

Railroad Employees' Corporation, New York City (2-1435, Form A-1)

Selected American Shares, Inc., Wilmington, Del. (2-1436, Form A-1)

Goldfield Deep Mines Co. of Nevada, Goldfield, Nev. (2-1437, Form A-1)

Orogrande-Frisco Gold Mines, Inc., Lewiston, Ida. (2-1438, Form A-1)

Strong Leasing & Mining Company, Denver, Colo. (2-1439, Form A-1)

NEW 100-WATT STATIONS RECOMMENDED

Application was filed with the Federal Communications Commission by Evansville on the Air, Inc., the licensee of Station WGBF for a construction permit to construct a new station at Evansville, Ind., on 1370 kilocycles, 100 watts power and unlimited time. The Nashville Broadcasting Company asked for a construction permit to erect a station at Nashville, Tenn., on the same frequency and similar conditions. Stations WSIX asked permission to move from Springfield to Nashville, Tenn., and to change its frequency from 1210 to 1370 kilocycles.

George H. Hill(e) is Report No, I-60 recommended that the application of Evansville on the Air, Inc., be granted in part and that it be allowed to operate daytime hours sharing night hours of operation with the Nashville Broadcasting Company. On the application of the Nashville Broadcasting Company he recommended that it be allowed to operate daytime and share nighttime hours with Evansville on the Air, Inc. The Examiner recommended that the application of WSIX to move be denied.

RECOMMENDS AGAINST NEW TEXAS STATIONS

Raymond L. Hughes filed an application with the Federal Communications Commission for erection of a new broadcasting station at Midland, Texas, while the Big Spring Broadcasting Company filed an application for a station at Big Spring, Texas. Both asked for 1210 kilocycles, and 100 watts power.

Ralph L. Walker(e) in Report No. I-59 recommended that both applications be denied. The Examiner found that neither of the applicants were able to finance the proposed station.

COMMISSION WINS JENNY WREN CASE

The United States Court of Appeals for the District of Columbia this week upheld the Federal Communications Commission in the so-called Jenny Wren case affecting Station WREN, Leavenworth, Kans. Justice Groner and Hitz dissented.

WREN operates on 1220 kilocycles, 1000 watts power and unlimited time. WHB, Kansas City, Mo., operates on 860 kilocycles, 500 watts power and competes with WREN. WHB used to operate daytime hours only; under an experimental license the Commission granted it permission to operate evening hours also. The WHB case was set for hearing by the Commission with WREN asking permission to intervene, which the Commission refused.

WREN then applied to the Supreme Court of the District of Columbia for relief by a bill in equity. This court upheld Station WREN and denied the motion of the Commissioner to dismiss the court proceeding. The case was then taken in the Court of Appeals which has upheld the Commission.

RECOMMENDS AGAINST OKLAHOMA STATION

Price Siever, O. L. Bayless, and J. W. Steel, Jr., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to use 1500 kilocycles, 100 watts power and unlimited time, to be erected at Duncan, Okla.

R. H. Hyde(e) in Report No. I-58 recommended that the application be denied. He does not believe that the proposed station would be able to deliver a dependable, consistent signal "over more than a fraction" of the area which the station proposed to cover. A number of other questions came up at the hearing including that of whether it would be proper to grant the application "in view of other pending applications." The Examiner does not believe either; he states that the granting of the application would be in the public interest.

APPLICATION DEFAULTED

A. P. Mueller, Herbert Mueller, Alvin Mueller, Jr., and the Mueller Amusement Company made application to the Federal Communications Commission asking for a construction permit for a new broadcasting station, to be erected at Seguin, Texas, to use 1,500 kilocycles, 100 watts power and specified hours of operation.

Ralph L. Walker(e) in Report No. I-56 recommended that the application be denied as in cases of default. When the hearing was called no appearance was entered for the applicants nor was any testimony offered in their behalf.

RECOMMENDS APPLICATION BE DISMISSED

The East Texas Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Dallas, Texas, to use 1,500 kilocycles, 100 watts power and to operate daytime simultaneously with Station KGKB.

Ralph L. Walker(e) in Report No. I-57 recommends that the application be dismissed without prejudice. At the time of the hearing counsel for the applicant moved for leave to withdraw the application without prejudice.

TRADE COMMISSION COMPLAINT AGAINST MARMOLA

The Federal Trade Commission has issued a complaint against the Raladam Co., charging unfair competition in making false and misleading representations in aid of the sale of its product "Marmola" tablets. The Commission has designated Friday, June 28, as the date for the company to show cause why a cease and desist order should not be issued against it.

The statement of the Commission is as follows:

The Raladam Co., of Detroit, is charged with unfair competition in making false and misleading representations in aid of the sale of "Marmola" tablets, widely advertised by radio and otherwise as a remedy for overweight, in a complaint issued by the Federal Trade Commission and based on representations made by the company since April 17, 1929, the date of a former order to cease and desist against Raladam.

In the former case against Raladam, the United States Circuit Court of Appeals, Cincinnati, in 1930, set aside the Commission's order and was upheld by the Supreme Court, May 25, 1931, on the sole ground that the Commission had not shown the existence of substantial competition.

Among ingredients of Marmola is desiccated thyroid, made, it is said, from the thyroid glands of the sheep, the cow, the pig and the goat. The complaint says it is a dangerous and powerful drug, its function being to burn up tissue, and that Marmola contains so much of it that when taken as directed it is liable to produce radical and harmful physical changes.

"Such harmful changes may safely be guarded against only by the previcus and continuing investigation, observation and advice of a competent physician," says the complaint. "There are several classes or types of obesity. In only a very small percentage of obesity cases is desiccated thyroid a safe and efficacious remedy and then only when administered by a competent physician."

The complaint alleges that the following representations by Raladam are untrue: That reputable physicians endorse the use of ingredients contained in Marmola; that its use constitutes the same treatment as all modern doctors employ; that the virtues of Marmola ingredients are known by and prescribed by physicians the world over; and that Marmola constitutes a scientific remedy, safe, harmless and efficacious, that can be taken safely without medical advice and direction.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., **1200 kc.,** 100 watts, unlimited time.

Thursday, June 13, 1935

Oral Argument before the Broadcasting Division

Examiner's Report No. I-18:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited (request facilities WKOK). Present assignment: **1210 kc.,** 100 watts, specified hours.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, specified hours.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, **1210 kc.,** 100 watts, unlimited (request facilities WBAX). Present assignment: **1210 kc.,** 100 watts, specified hours.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Renewal of license, **1210 kc.,** 100 watts, specified hours.

Examiner's Report No. I-25:

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—C. P., **800 kc.,** 1 KW, limited time until LS at Dallas, Texas. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license, **800 kc.,** 250 watts 6 a. m. to LS at Dallas, Texas. Present assignment: **800 kc.,** 250 watts, daytime.

Examiner's Report No. I-31:

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of license, **1440 kc.,** 1 KW, unlimited time. Present assignment: **1440 kc.,** 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-35:

KFBK—James McClatchy Co., Sacramento, Calif.—C. P., **1490 kc.,** 5 KW, unlimited time. Present assignment: **1310 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-39:

NEW—Arthur Westland and Jules Kohn, Santa Rosa, Calif.—C. P., **1500 kc.,** 100 watts, unlimited time.

Thursday, June 13, 1935

NEW—G. M. Electric Service Co., Stevensonville, Mont.—C. P., **1500 kc.,** 100 watts, unlimited time.

KLS—S. W. and E. M. Warner, Oakland, Calif.—Modification of license, **1280 kc.,** 250 watts, unlimited time. Present assignment: **1440 kc.,** 250 watts, daytime.

Friday, June 14, 1935

WSMK—WSMK, Inc., Dayton, Ohio.—Special experimental authority, **1380 kc.,** 200 watts, unlimited time; simultaneous with KQV. Present assignment: **1380 kc.,** 200 watts, simultaneous day with KQV, specified hours night.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Special experimental authority, **1380 kc.,** 500 watts, unlimited; simultaneous with WSMK. Present assignment: **1380 kc.,** 500 watts, simultaneous day with WSMK, specified hours night.

APPLICATIONS GRANTED

WJAR—The Outlet Company, Providence, R. I.—Granted C. P. to make changes in equipment and move transmitter locally.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted 60-day temporary license to operate on **1310 kc.,** 100 watts, unlimited time, pending completion of construction of antenna as specified in C. P.

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Granted license to cover C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time.

KIUL—Garden City Broadcasting Co., Garden City, Kans.—Granted license to cover C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted license covering C. P. to make changes in equipment and increase day power to 250 watts, 100 watts night; **1200 kc.,** unlimited time.

KGRS—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted modification of license to change time of operation from specified hours to unlimited, to change call letters to KGNC, and to consolidate with WDAG; **1410 kc.,** 1 KW night, 2½ KW day.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted modification of C. P. to make changes in equipment.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of C. P. to change completion date from 6-15-35 to 12-15-35.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted modification of C. P. to make changes in equipment; change transmitter site locally from business center of Parkersburg to Gihon Road.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant and completion date to 160 days thereafter.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted extension of special temporary experimental authority for next license period ending Sept. 1, 1935, to operate with 500 watts additional night power.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted authority to determine operating power by direct measurement of antenna, in compliance with terms of Rule 137.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted C. P. to move transmitter to a site locally to be determined, and to make changes in equipment.

KONO—Mission Broadcasting Co., San Antonio, Tex.—Granted license to cover C. P. authorizing move of transmitter and studio; **1370 kc.**, 100 watts day and night, shares KMAC.

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—Granted license to cover C. P. authorizing changes in equipment and increase in power to 250 watts day; **1370 kc.**, 100 watts night, unlimited time.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of C. P. for authority to change commencement date to 7-19-35 and completion date to 1-19-36.

KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Granted voluntary assignment of license to KFEQ, Inc.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted consent to transfer control of corporation from Gadsden Broadcasting Co., Inc., to Bascom Hopkins.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted consent to transfer control of Liberty Broadcasting Co. to Norman K. Winston.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power to 5 KW; **1290 kc.**, 1 KW night, unlimited time.

KPOF—Pillar of Fire (a corporation), Denver, Colo.—Granted C. P. to make changes in equipment and install a new transmitter.

KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of special experimental authority to operate on **1230 kc.**, 500 watts, unlimited time for period June 1 to December 1, 1935.

WBZA—Westinghouse E and M Co., Boston, Mass.—Granted C. P. to make changes in equipment.

WDZ—James L. Bush, Tuscola, Ill.—Granted C. P. (amended) to make changes in equipment, change frequency from **1070 kc.** to **1020 kc.**, power from 100 watts to 250 watts daytime, and to determine transmitter site.

KFH—The Radio Station KFH, Co., Wichita, Kans.—Granted C. P. to make changes in equipment and increase power to 5 KW day.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted modification of C. P. to cover changes in equipment. Also granted license, **1410 kc.**, 250 watts night, 500 watts day, S-WRBX.

WGCM—WGCM, Inc., Mississippi City, Miss.—Granted C. P. (amended) to change frequency to **1120 kc.**; make changes in equipment; increase power to 500 watts; change hours to unlimited time except from 8 to 9 p. m. Monday and Friday nights.

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted license to cover C. P., **940 kc.**, 1 KW night, 5 KW day, unlimited time.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted modification of C. P. to extend commencement date to 5-1-35 and completion date to 12-1-35. This extension, however, does not constitute a finding by the Commission in anywise with reference to the issues involved in the renewal application. "The extension of the permit is granted only for the purpose of preserving the status quo concerning the permit heretofore granted and authorizing the installation of new equipment and increase in power only."

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority for period of 30 days, to operate with 50 watts from LS to 11 p. m., EST, on Tuesday, Thursday, Saturday and Sunday in order to broadcast local civic and political activities.

KWEA-KWKH—International Broadcasting Corp., Shreveport, La.—Granted application for consent to transfer control of International Broadcasting Corp., licensee of stations KWEA and KWKH, from Sam D. Hunter to the Times Publishing Co., Ltd. (Present assignment: KWKH, **850 kc.**, 10 KW; KWEA, **1210 kc.**, 100 watts, unlimited; KWKH SH under SA unlimited.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted license to cover C. P. authorizing changes in equipment and extension of commencement and completion dates; **1430 kc.**, 250 watts night, 500 watts day, unlimited.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted license to cover special experimental authority, **1320 kc.**, 500 watts night, 1 KW day.

WMFH—Joseph M. Kirby, Boston, Mass.—Granted modification of C. P. approving transmitter and studio sites at Boston; extending commencement date to 10 days after grant and completion date to 90 days thereafter.

KIKK—S. H. Patterson, Portable-Mobile.—Granted C. P. to erect new transmitter to replace former transmitter of KIKK which was deleted, to operate on frequencies **1646, 2090, 2190, 2830 kc.**, 6.3 watts night, 6.3 watts day, unlimited.

NEW—East Texas Broadcasting Co., Portable-Mobile.—Granted C. P. for general experimental broadcast pickup station, frequencies **31100, 34600, 37600** and **40600 kc.**, 30 watts.

National Broadcasting Co., Inc., Downers Grove, Ill.—Granted special authority (experimental relay broadcasting station) to communicate with Experimental Station W10XFH (stratosphere balloon) as a broadcast pickup station, to operate unlimited time for period of 90 days from May 20, 1935.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted license to cover C. P., frequencies **31600, 35600, 38600, 41000** and **86000-400000 kc.**, 50 watts.

W9XET—Midland Broadcasting Co., Portable-Mobile, Kansas City, Mo.—Granted license to cover C. P., frequencies **31600, 35600, 38600, 41000** and **86000-400000 kc.**, 1½ watts.

W7XBH—Benson Polytechnic School, Portable-Mobile.—Granted license to cover C. P., frequencies **31100, 34600, 37600, 40600** and **86000-400000 kc.**, 25 watts.

W5XG—Carter Publications Co., Portable-Mobile, Fort Worth, Tex.—Granted renewal of general experimental station license for period June 1, 1935, to October 1, 1936; **37600 kc.**, 2.7 watts. Also granted modification of license to add frequencies **31100, 34600, 40600 kc.**, 2.7 watts.

W2XDG-W9XBS—National Broadcasting Co., Inc., New York City.—Granted renewal of exp. gen. exp. license; all frequencies designated in existing license except **30100, 33100, 37100** and **40100 kc.**, for period June 1, 1935, to October 1, 1936.

W3XAL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special authority to operate broadcast pickup station in order to communicate with special experimental station W10XFH (stratosphere balloon) while in flight, for the 90-day period beginning May 20; frequencies **6100** and **17780 kc.**, 35 KW.

W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted authority to operate experimental relay broadcasting station W3XL as broadcast pickup station on frequencies **6425, 12862.5** and **17310 kc.**, 20 KW power, to communicate with W10XFH (stratosphere balloon) in flight, for a period of 90 days.

W2XE—Atlantic Broadcasting Corp., New York City.—Granted special temporary authority to operate existing experimental relay broadcasting station as an emergency cue transmission broadcast pickup station for period May 31 to June 7, 1935; frequency **4797.5 kc.**, 1 KW.

WLFQ—James V. Griffith, on board motor yacht *Heljim*.—Granted special temporary authority to operate existing ship station as a broadcast pickup station on May 30th and from July 26th to 27th, inclusive; frequencies **1622, 2060, 2150, 2790 kc.**, 50 watts.

WMEG—Goodyear Tire and Rubber Co., Inc., aboard airship *Volunteer*.—Granted special temporary authority to operate existing aircraft station as a broadcast pickup station on May 29, 11 a. m. to 3 p. m., PST, to be used in connection with opening ceremonies of San Diego Exposition.

SET FOR HEARING

WSYR-WSYU—Central New York Broadcasting Co., Syracuse, N. Y.—Application for C. P., already in Hearing Docket, amended so as to request move of transmitter to Nedron, N. Y.; install new equipment and increase power to 1 KW.

NEW—Plainview Broadcasting Co., Plainview, Tex.—Application for C. P. for new station, **1500 kc.**, 100 watts, daytime only.

WIOD—Isle of Dreams Broadcasting Co., Miami, Fla.—Application for C. P. to make changes in equipment.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Application for C. P. to make changes in equipment; increase night power to 100 watts and day power to 250 watts, and time of operation to unlimited.

WLEU—Leo J. Omelian, Erie, Pa.—Application for license to cover C. P.; temporary authority granted to operate pending hearing on frequency **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Application for special experimental authority to operate with 5 KW power night for completion of license period October 1, 1935; to be heard before the Division en banc October 17, 1935.

Essex Broadcasters, Inc., Detroit, Mich.—Application for authority to transmit sustaining programs from Detroit, Mich. (Union Guardian Bldg. and sundry locations for remotes) over station CKLW, Windsor, Canada; to be heard before the Division en banc October 24, 1935.

NEW—E. W. Patrick, Brookfield, Mo.—Application for C. P., already in hearing docket, amended so as to request frequency **1210 kc.**, 100 watts, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Application for C. P. to make changes in equipment; change frequency to **1210 kc.**; change power to 100 watts night, 250 watts day; and increase operating time from day to unlimited. (Also requests facilities of KWEA.)

NEW—Howard W. Heskett, Santa Rosa, Calif.—Application for C. P. for new station, **1280 kc.**, 250 watts, daytime only; exact transmitter site and antenna design to be determined subject to Commission's approval.

WJEJ—Hagerstown Broadcasting Co., near Hagerstown, Md.—Application for C. P. for consideration under Rule 6 G to install new equipment; change transmitter site to near Hagerstown; change frequency to **1230 kc.**; increase power to 250 watts night, 500 watts daytime and change time to unlimited.

NEW—Herbert Lee Blye, Uniontown, Pa.—Application for C. P. for new station, **1420 kc.**, 100 watts, daytime only; transmitter site to be determined.

NEW—Herbert Lee Blye, Lebanon, Pa.—Application for C. P. for new station, **1240 kc.**, 250 watts, daytime. Requests call letters WBLY. Transmitter location to be determined.

NEW—W. T. Knight, Jr., Savannah, Ga.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time; transmitter and studio location to be determined.

NEW—Florida West Coast Broadcasting Co., Tampa, Fla.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time. Requests call letters WPAT.

NEW—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

NEW—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Application for C. P. for new station, **630 kc.**, 250 watts, daytime; transmitter and studio site to be determined.

KWEA—International Broadcasting Corp., Shreveport, La.—Application for renewal of license, **1210 kc.**, 100 watts, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Application for renewal of license, **1370 kc.**, 100 watts, unlimited time.

KFPL—C. C. Baxter, Dublin, Tex.—Application for renewal of license, **1310 kc.**, 100 watts, unlimited time.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rep. 1-1: S. George Webb, Newport, R. I.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts, 250 watts LS, unlimited time. Examiner Geo. H. Hill sustained. Order effective June 4, 1935.

NEW—Ex. Rep. 1-41: Richard Field Lewis, Del Monte, Calif.—Granted C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective June 11, 1935.

NEW—Ex. Rep. 1-50: Guthrie Broadcasting Co., Guthrie, Okla.—Denied as in cases of default C. P. for new station to operate on **1200 kc.**, 100 watts, share with WBBZ, specified hours. Examiner R. H. Hyde sustained.

WBBZ—Howard Johnson, Rep. of Estate of C. L. Carrell, deceased, Ponca City, Okla.—Granted renewal of license to operate on **1200 kc.**, 100 watts, unlimited time, sustaining Examiner Hyde. Effective date May 28, 1935.

NEW—Ex. Rep. 1-56: A. P. Mueller, Herbert Mueller, Alvin Mueller, Jr., Mueller Amusement Co., Seguin, Tex.—Denied as in case of default C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, specified hours, sustaining Examiner R. L. Walker.

NEW—Ex. Rep. 1-57: East Texas Broadcasting Co., Dallas, Tex.—Dismissed without prejudice C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, simultaneous day with KGKB and specified hours night, 8 p. m. to midnight, sustaining Examiner R. L. Walker.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KADA, Ada, Okla.; KFJB, Marshalltown, Iowa; KFJI, Klamath Falls, Ore.; KFYO, Lubbock, Tex.; KWTN, Watertown, S. Dak.; WABI, Bangor, Maine; WEBR, Buffalo, N. Y., and auxiliary; WHBY, Green Bay, Wis.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WKJC, Lancaster, Pa.; WTAX, Springfield, Ill.; WTEL, Philadelphia, Pa.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take upon their pending applications for renewals:

KGFJ, Los Angeles, Calif.; KVOS, Bellingham, Wash.; WBAX, Wilkes-Barre, Pa.; WBBZ, Ponca City, Okla.; WBNO, New Orleans, La.; WEDC, Chicago, Ill.; WJBW, New Orleans; WKOK, Sunbury, Pa.; WOCL, Jamestown, N. Y.

WEVD—Debs Memorial Radio Fund, Inc., New York City—Present license extended on a temporary basis to July 1, 1935, subject to such action as may be taken on pending application for renewal.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Granted renewal of license for the period ending 3 a. m., EST, September 1, 1935.

WJIM—F. Gross, M. B. Keeler & L. A. Versluis, d/b as Capital City Broadcasting Co., Lansing, Mich.—Present license extended for a period of 3 months on a temporary basis only, subject to such action as may be taken on pending application for renewal.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Present license extended on a temporary basis only, to July 1, 1935, pending receipt and action on renewal application.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Present license extended on a temporary basis only, to July 1, 1935, pending receipt and action on renewal application.

The following applications for renewal of General Experimental Station licenses for the Experimental Service, were renewed in exact conformity with existing licenses for the period June 1, 1935, to October 1, 1936:

W1XO, The Travelers Broadcasting Service Corp., Portable-Mobile; W2XEK, Knickerbocker Broadcasting Co., Inc., Portable-Mobile; W3XL, National Broadcasting Co., Inc., Bound Brook, N. J.; W4XO, Juan Piza, Portable-Mobile, San Juan, P. R.; W4XP, Juan Piza; W8XCF, Adirondack Broadcasting Co., Inc., Portable-Mobile; W8XX, W8XY, Howell Broadcasting Co., Inc., Portable-Mobile; W9XAG, The Journal Co., Milwaukee, Wis.; W9XAI, The Journal Co., Portable-Mobile; W9XAJ, W10XAC, The Journal Co., Milwaukee; W9XI, Chicago Federation of Labor, Portable-Mobile; W9XAZ, The Journal Co., Milwaukee, Wis.

W4XD—WPTF Radio Co., Portable-Mobile—Present license extended for a period of 1 month from June 1 to July 1, on a temoprary basis only, subject to such action as may be taken on application for renewal of license pending before it.

W8XAY-W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile—Present license extended for a period of 1 month from June 1 to July 1, on a temporary basis only, subject to such action as may be taken on application for renewal of license pending before it.

W8XAA—Howitt-Wood Radio Co., Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W8XD—WBBM, Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W6XAR-W6XAS—Julius Brunton & Sons Co., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W6XAP—Airfan Radio Corp., Ltd., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W10XDT—Associated Radiocasting Corp., Portable-Mobile—Granted renewal of general experimental station license in experimental service for the period June 1, 1935, to October 1, 1936, in exact conformity with existing license.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Present relay broadcasting station license extended for a period of 1 month from June 1 to July 1, 1935, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

MISCELLANEOUS

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Denied petition to reconsider and grant application to change frequency from **1210 kc.** to **1450 kc.** and to increase power from 100 watts, unlimited, to 500 watts, unlimited.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted renewal of experimental relay broadcasting license for balance of license period.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Denied petition to remand for further hearing application of Brooklyn Daily Eagle Broadcasting Co., Inc., for permission to erect new radio broadcasting station to operate on **1400 kc.**, 500 watts, unlimited.

NEW—Dr. W. J. Reynolds and W. J. Reynolds, Jr., Selma, Ala.—Application for new radio station remanded to Examining Section for purpose of making additional findings on interrogatories and cross-interrogatories propounded by the Commission.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Denied petition asking Commission to reconsider and grant application for new station to increase power from 500 watts to 5 KW.

The following Minute entry was adopted:

"The Commission having received on May 24, 1935, the opinion and judgment of the United States Court of Appeals for the District of Columbia in Cause No. 6216, Radio Service Corporation (Station KSEI) v. Federal Radio Commission, sustaining the decision of the Federal Radio Commission of March 23, 1934, granting the application of Symons Broadcasting Company for modification of license to change frequency from **1340 kc.** to **890 kc.**, denying the applications of Radio Service Corporation (KSEI) for modification of construction permit and modification of license to change frequency from **900 kc.** to **890 kc.**, and granting the application of KGIR, Inc., for modification of license to change frequency from **1360 kc.** to **1340 kc.**, NOW, THEREFORE, IT IS ORDERED that regular licenses be issued forthwith in conformity with said decision of the Federal Radio Commission of March 23, 1934."

NEW—Duluth Broadcasting Co., Duluth, Minn.—Granted petition for continuance until September of hearing on application for new radio station.

WHB—Marcus Loew Booking Agency, New York.—Granted continuance of hearing scheduled for June 7, 1935.

NEW—Fred A. Packard and A. Rosenberg, Los Angeles, Calif.—Denied petition asking extension of 90 days in which to file exceptions to Examiner's Rep. 1-47.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque.—Granted until June 15, 1935, within which to file briefs in pending case.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted until June 15, 1935, within which to file briefs in pending case.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted until June 15, 1935, within which to file briefs in pending case.

KGY—KGY, Inc., Olympia, Wash.—Application for modification of license to operate full time on **1210 kc.**, except when KTW is operating, which was designated for hearing on April 30, was reconsidered and granted and application dismissed from hearing docket. Application for extension of special experimental authority, which expires on June 1, was retired to closed files.

WELL—Enquirer-News Co., Battle Creek, Mich.—Action of March 19, 1935, in granting C. P. to make changes in equipment, increase power to 100 watts, unlimited, and move studio and transmitter affirmed since WMBC has withdrawn protest.

WWL—Loyola University, New Orleans, La.—Denied request for continuance of hearing on its renewal application and modification of license application of Missionary Society of St. Paul the Apostle requesting change in frequency to **810 kc.**, with 5 KW power. Also denied petition requesting that the application of Missionary Society of St. Paul the Apostle for modification of license to change frequency to **810 kc.** and use 5 KW power be returned to applicant pursuant to Rule 43.

KGKL—KGKL, Inc., San Angelo, Tex.—Denied motion to remand Examiner's Report 1-44 to the Examining Department. Motion of respondents in opposition to the above motion was granted. (Respondents are stations WAVE, WCSH, WDAY, and KOIN.)

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted motion to intervene and become a party respondent in the hearing on the application of Augusta Broadcasting Co. (WDRW), Augusta, Ga., for experimental authority to change frequency to **1240 kc.**, 250 watts night, 1 KW day, unlimited time.

NEW—Metro Broadcasting Co., East Los Angeles, Calif.—Denied motion to reopen record in this case in order that a sworn financial statement of Abe Corenson may be included in the record. (Application for C. P., **820 kc.**, 250 watts, unlimited time.)

NEW—Metro Broadcasting Co., East Los Angeles, Calif.—The Commission upon its own motion remanded Examiner's Report No. 1-47 to the docket for the taking of further testimony, and all parties concerned may participate.

WATR—WATR Company, Inc., Waterbury, Conn.—Modification of license application to change hours of operation from daytime only to 100 watts night limited to local sunset at WOAI at San Antonio, which was heretofore granted, is suspended and designated for hearing upon the protests of Hartford Times, Inc., and American Republican, Inc. (W1XBS).

WBNX—Standard Cahill, Inc., New York City.—Denied petition for continuance of the hearing on the application of Havens & Martin, Inc. (WMBG), and William Avera Wynne (WEED), for C. P.'s.

NEW—Bailey Bros., San Diego, Calif.—Granted petition for rehearing on their application for new station to operate on **1420 kc.**, 100 watts, unlimited time at San Diego.

KGBX—KGBX, Inc., Springfield, Mo.—Granted petition for reconsideration and grant of its application for special experimental authority to operate on **1230 kc.**, 500 watts, from local sunset to midnight. (This is an extension of a present authority.)

ORAL ARGUMENTS GRANTED

The Commission granted oral argument in re Examiner's Report No. 1-40, involving stations WARD, WBBC, WLTH, WVFW, Brooklyn Daily Eagle Broadcasting Co., Inc., Arde Bulova and Norman K. Winston, WEVD, WHAZ, WFAB and WBBR, said oral argument to be heard at 10 a. m. June 24, 1935.

The Commission granted oral argument in re Examiner's Report No. 1-49, on the application of Enid Radiophone Co. (KCRC), Enid, Okla., for modification of license, said oral argument to be heard at 10 a. m. October 17, 1935.

The Commission granted oral argument in re Examiner's Report No. 1-51, on the applications of Jackson D. Magenau, Erie, Pa., and WMAN Broadcasting Co., Mansfield, Ohio, for C. P.'s, respectively, and directed that said oral argument be heard at 10 a. m., October 17, 1935.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were discussed at request of applicants:

NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Robert Louis Sanders, San Pedro, Calif.—C. P., **1180 kc.**, 250 watts, daytime.

NEW—Clark Standiford, Marysville, Calif.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—Harry Prezant, Los Angeles, Calif.—C. P., **1120 kc.**, 1 KW, unlimited (facilities of KFSG and KRKD).

NEW—Oscar C. Hirsch, Cape Girardeau, Mo.—C. P., **930 kc.**, 1 KW, daytime.

WSMK—WSMK, Inc., Dayton, Ohio.—Special experimental authority, **1380 kc.**, 200 watts, unlimited, simultaneous operation with KQV. (Action taken May 28, 1935.)

KWV—KWV Broadcasting Co., Pittsburgh, Pa.—Special experimental authority, **1380 kc.**, 500 watts, unlimited, simultaneous operation with WSMK. (Action taken May 28, 1935.)

The following application was dismissed, the applicant having filed a subsequent application to supersede this:

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Modification of license, **780 kc.**, 1 KW, shares with KELW. (Action taken May 28, 1935.)

The following application was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48 (b):

NEW—Louis C. Holzman, Hilo, Hawaii.—C. P., **1420 kc.**, 100 watts, unlimited time. (Action taken May 28, 1935.)

APPLICATIONS DENIED

KGBX—KGBX, Inc., Springfield, Mo.—Denied extension of special experimental authority to use 500 watts LS to midnight on **1230 kc.**, with directional antenna, for period ending December 1, 1935, instead of June 1, 1935.

KFRO—Voice of Longview, Longview, Texas—Denied special authority to operate with 100 watts power daytime, in addition to its regular schedule of hours which ends at local sunset at 7:30 p. m. during month of June, 1935, according to its license, for operation from 7:30 to 9:30 p. m. on Sunday, June 2, 9, 16, 23 and 30, to broadcast church services, and on June 4, 11, 18 and 25 to broadcast wrestling matches.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied special temporary authority to operate simultaneously with WCAM from 4 to 5 p. m., CST, June 2, 1935.

KGKB—E. Texas Broadcasting Co., Tyler, Texas—Denied special temporary authority to operate unlimited time for period of 30 days.

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Modification of license to increase day power from 500 watts to 1 KW.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of
900 B1-P-80 as modified to extend completion date to 60 days after grant, make equipment changes, and approval of transmitter and studio sites: Taft Hotel, Chapel St. and College Ave., New Haven, Conn.

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Construc-
990 tion permit to make changes in equipment.

WTIS—The Travelers Broadcasting Service Corp., Hartford, Conn.
1040 —Extension of special experimental authorization to change frequency from **1060 kc.** to **1040 kc.**, change from S-WBAL to simultaneous operation with KRLD (unlimited) from 8-1-35 to 11-1-35.

WCAD—St. Lawrence University, Canton, N. Y.—Modification of
1220 license to change hours of operation from Monday, Tuesday and Saturday, 12:30 p. m. to 1:30 p. m.; Wednesday, Thursday and Friday, 12:30 p. m. to 1:30 p. m., and 3 p. m. to 4 p. m., EST, to daily except Sunday, 12:30 p. m. to 1:30 p. m., and 3 p. m. to 4 p. m., EST.

WOL—American Broadcasting Co., Washington, D. C.—License to
1310 cover construction permit (B1-P-522) to make changes in equipment.

NEW—Frederick L. Keesee, Auburn, N. Y.—Construction permit
1310 for a new station to operate on **1310 kc.**, 100 watts, unlimited. Request facilities of WMBO.

NEW—Ralph Perez Perry, San Juan, Puerto Rico.—Construction
1340 permit for new station to be operated on **1340 kc.**, 250 watts, unlimited time.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construc-
1350 tion permit for new equipment, increase power from 250 watts to 1 KW, and move transmitter from 138 Pine St., Cliffside Park, N J., to site to be determined, New York, N. Y.

WLLH—Albert S. Moffat, Lowell, Mass.—Voluntary assignment of
1370 license to Merrimac Broadcasting Co., Inc.

Second Zone

WKAR—Michigan State College, East Lansing, Mich.—Modifica-
850 tion of license to change frequency from **1040 kc.** to **950 kc.**, with power of 500 watts night and 1 KW day, and make changes in specified hours. Amended to change frequency from **950 kc.** to **850 kc.** and hours of operation from specified hours to daytime (sunset at WWL).

NEW—Steele City Broadcasting Co., Pittsburgh, Pa.—Construc-
890 tion permit for new station to be operated on **890 kc.**, 500 watts, unlimited time.

WJW—WJW, Inc., Akron, Ohio.—License to cover (B2-P-504) to
1210 make equipment changes.

WASH—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich.
1270 —Construction permit to install a new transmitter and increase operating power from 500 watts to 1 KW.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.
1270 —Construction permit to make equipment changes and increase operating power from 500 watts to 1 KW.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction per-
1300 mit to make equipment changes, change frequency from **1500 kc.** to **1300 kc.**; increase power from 100 watts, 250 watts local sunset, to 250 watts day and night; and to move transmitter from 12897 Woodward Ave., Highland Park, Mich., to site to be determined, Detroit, Mich.

WFDF—Flint Broadcasting Co., Flint, Mich.—Construction per-
1310 mit to make equipment changes, increase power from 100 watts to 100-250 watts, day, contingent upon granting of WEXL's application for frequency change.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Con-
1380 struction permit to install new equipment, increase day power from 100 to 250 watts. Amended: Change frequency from **1420 kc.** to **1380 kc.**, power from 100 watts to 250 watts, time from shares with WILM to unlimited.

WSMK—WSMK, Inc., Dayton, Ohio.—Modification of license to
1380 increase power from 200 watts to 250 watts.

Philco Radio & Television Corp., Philadelphia, Pa.—Construction permit for **40-80 megacycles**, 250 watts power.

Third Zone

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Special
570 experimental authority to operate on **570 kc.**, 1 KW, unlimited time, for the period 4-1-35 to 9-1-35; install directional antenna. Amended to request 500 watts, 1 KW local sunset.

WFLA—Clearwater Chamber of Commerce and St. Petersburg
620 Chamber of Commerce, Clearwater, Fla.—License to cover 3-P-B-2374 to move transmitter and install new equipment.

NEW—W. A. Patterson, Chattanooga, Tenn.—Construction permit
1200 for a new station to operate on **1200 kc.**, 100 watts, unlimited; request call letters WAPO. Amended to make equipment changes and move transmitter.

NEW—E. F. Sapp and S. F. Sapp, tr. as Waycross Broadcasting
1200 Co., Waycross, Ga.—Construction permit for new station on **1210 kc.**, 100 watts, unlimited. Studio location: Bunn Bldg., Block No. 4, Elizabeth St., Waycross, Ga. Amended to make equipment changes, move transmitter location from Waycross, Ga., to site to be determined, Waycross, Ga. Amended to change frequency from **1210 kc.** to **1200 kc.**

NEW—V. H. Lake and H. E. Stanford, d/b L & S Broadcasting
1210 Co., Atlanta, Ga.—Construction permit for new station to be operated on: frequency unspecified, 100 watts, unlimited. Amended to change frequency from **1200 kc.** to **1210 kc.**, and hours of operation from unlimited to daytime. To be considered under 307 (b). Amended transmitter site changed to 355 Peachtree St., and to make equipment changes.

NEW—V. H. Lake and H. E. Stanford, d/b L & S Broadcasting
1210 Co., Waycross, Ga.—Construction permit for new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1210 kc.**

NEW—Oil Capital Broadcasting Assn. (James G. Ulmer, Presi-
1210 dent), Kilgore, Tex.—Construction permit for a new broadcasting station to be operated on **1210 kc.**, 100 watts, unlimited time. Requests facilities of KWEA.

KFPL—C. C. Baxter, Dublin, Tex.—Modification of construction
1310 permit authorizing increase in power from 100 watts to 100 watts, 250 watts day, and move transmitter from 205 Grafton Street, Dublin, Tex., to site to be determined, requesting further changes in equipment and approval of transmitter site as north of city limits, Dublin, Tex.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—License to
1500 cover construction permit (B3-P-349) to move transmitter.

Fourth Zone

WLBL—State of Wisconsin, Department of Agriculture & Markets,
900 Stevens Point, Wis.—Construction permit to make equipment changes, increase power from 2½ to 5 KW.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.
1210 —Construction permit to increase power from 100 watts to 100 watts, 250 watts local sunset. Amended to install new equipment. Amend to make equipment change and omit request for increase in day power.

KGBX—KGBX, Inc., Springfield, Mo.—Modification of special
1230 experimental authorization to operate on **1230 kc.,** 500 watts, unlimited time, for period 6-1-35 to 12-1-35.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—
1290 Modification of license to increase power from 1 KW, 5 KW local sunset, to 5 KW day and night.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 Modification of construction permit (B4-MP-180) as modified for approval of transmitter site at E. State Highway No. 20, north of 2nd St., N. W. Rochester, Minn.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 Modification of construction permit authorizing the erection of a new station to be operated on **1310 kc.,** 100 watts, unlimited time, requesting extension of commencement date from 5-19-35 to 7-19-35 and completion date from 11-19-35 to 1-19-36.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Construc-
1310 tion permit to make changes in equipment and increase power from 50 watts, 100 watts local sunset, to 100 watts, 250 watts local sunset. Amended to change name from Truth Radio Corp. to The Truth Publishing Co., Inc.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Modification
1310 of construction permit (B4-P-377) authorizing changes in equipment and increase in day power to request further changes in equipment.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Construc-
1320 tion permit to move transmitter from 715 Locust Street to site to be determined, Des Moines, Iowa; to make equipment changes; and increase power from 250 watts, 500 watts local sunset, to 500 watts, 1 KW local sunset.

NEW—Mason City Broadcast Co., Emmons L. Abeles, Secretary,
1420 Mason City, Iowa.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, unlimited time. Requests call letters KMCI.

KWBG—W. B. Greenwald, Hutchinson, Kans.—License to cover
1420 (B4-P-323) as modified for a new station.

NEW—R. E. Chinn, Moorhead, Minn.—Construction permit for a
1500 new station to be operated on **1500 kc.,** 100 watts, unlimited time. Requests facilities of KGFK if and when KGFK moves to Duluth, Minn.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.— Modification of (B4-P-29) as modified, to extend completion date from 6-14-35 to 9-14-35.

Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Con-
570 struction permit to move transmitter from near Des Moines, Washington, to King County, Washington; make equipment changes; and increase day operating power from 1 KW to 5 KW.

NEW—Harry H. Culver, Beverly Hills, Calif.—Construction per-
710 mit for a new station on **710 kc.,** 500 watts, limited time. Requests facilities of KMPC.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Con-
780 struction permit to make equipment changes, request facilities of KELW, change transmitter site from tract 1980, lots 233 and 236, between 33rd and 34th Sts., near Ocean Park Blvd., Santa Monica, Calif., to site to be determined, Los Angeles, Calif.; studio site from 214 S. Vermont St., Los Angeles, Calif., to site to be determined; change power from 500 watts, 1 KW LS, to 1 KW, 5 KW LS; change time from shares with KELW to unlimited.

KQW—Pacific Agricultural Foundation, Ltd., Fresno, Calif.—Con-
1010 struction permit to move transmitter and studio location from 87 East San Antonio St., San Jose, Calif., to site to be determined. Amended: antenna to be determined.

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit for a
1210 new station to be operated on **1210 kc.,** 100 watts, unlimited. Amended to make changes in equipment.

NEW—Marysville-Yuba Publishers, Inc., Marysville, Calif.—Con-
1210 struction permit for a new station to be operated on **1210 kc.,** 100 watts, unlimited time.

NEW—Kelsey-Jenney Commercial College, Inc., San Diego, Calif.—
1210 Construction permit for a new station to be operated on **1210 kc.,** 100 watts, unlimited time.

NEW—John A. Stump, Fairbanks, Alaska.—Construction permit
1210 for new station to operate on **1210 kc.,** 75 watts, specified hours and limited hours. Amended to request 50 watts and specified hours, and to make equipment changes.

NEW—W. H. Kindig, Hollywood, Calif.—Construction permit for
1300 a new station to be operated on **1160 kc.,** 1 KW, unlimited. Amended to change frequency from **1160 kc.** to **1300 kc.,** and hours of operation from unlimited to share KFAC.

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Assignment of license from
1310 J. H. Speck to W. C. Irvin.

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Com-
1310 pany—License to cover (B5-P-309) as modified, for a new station on **1310 kc.,** 100 watts, unlimited.

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—
1320 Modification of (B5-P-303) to use present transmitter site, 1752 Fern St., Waikiki, Honolulu, T. H., and to use present antenna system (all changes to be on temporary basis).

NEW—Rees T. Evans, Bremerton, Wash.—Construction permit for
1420 a new station to be operated on **1420 kc.,** 100 watts, unlimited.

NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—Construction per-
1420 mit for a new station to be operated on **1420 kc.,** 100 watts, unlimited time.

NEW—Clark Standiford, Porterville, Calif.—Construction permit
1420 for new station on **1420 kc.,** 100 watts, unlimited. Amended: Time changed to daytime hours of operation.

NEW—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Construc-
1420 tion permit to erect a new broadcast station to be operated on **1420 kc.,** 100-250 watts power, unlimited time. Amended to make equipment changes and request 100 watts power day and night instead of 100-250 watts day.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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JUNE 10, 1935

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BROADCAST ADVERTISING IN APRIL

Developments of the Month

TOTAL gross time sales to advertisers during the month amounted to $8,064,921, a decline of 2.7% as compared with March volume. This decline seems to be less than the usual seasonal one at this period of the year. National network revenues dropped 10.7% as against the preceding month. Regional network advertising rose 6.4%, national non-network volume 11.8%, and local broadcast advertising 6.7%. The increase in the latter two types of business showed a contrary trend from the preceding year, when both declined as compared to March.

Comparison with Previous Year

Broadcast advertising continued to hold the gains recorded in recent months over the preceding year's volume. Total broadcast advertising during April was 20.9% greater than during the same month of 1934. National network business experienced a gain of 17.6%, regional network volume 32.0%, national non-network advertising 10.3%, and local broadcasting volume 40.0%. The last-mentioned is the largest gain recorded by this class of business since the establishment of these reports.

Comparison with Other Media

National magazine advertising increased 6.0% during the month and was 9.3% greater than during the same period of 1934. National farm paper volume rose 11.5% as against March but remained at approximately the same level as last year. Newspaper advertising increased 2.5% during the month and was 4.9% greater than during last April. Retail newspaper advertising, according to Media Records, showed a gain of 6.3% over last April, while total display advertising rose 3.7% during the same period. Department store advertising rose but 1.9%.

Non-network Trends

General non-network advertising rose 19.9% as compared with last April. Non-network business of stations over 1,000 watts in power gained 33.1%, that of stations between 250 and 1,000 watts in power rose 21.8%, while advertising volume of the 100-watt group increased 9.7% as against the same period of 1934. All classes of stations showed increases as against the preceding month.

Advertising volume in the Southern and Midwestern states increased slightly more than 10% during the month, with gains of approximately half that amount in other parts of the country. Non-network volume in the New England and Middle Atlantic states was slightly less than during April of last year. Southern volume rose 42.3%, North Central state advertising increased 33.3%, and Mountain and Pacific business gained 36.8%.

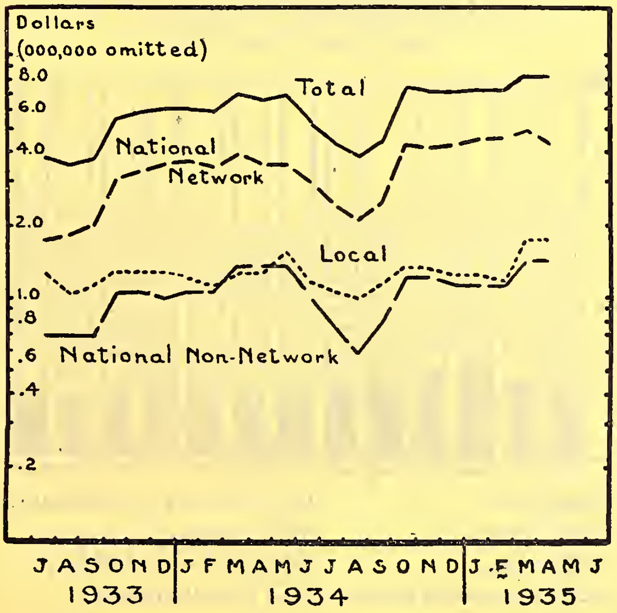
With the exception of local live talent business, which remained at the March level, all forms of rendition experienced gains as compared with the preceding month. Practically all increases were in the neighborhood of 10%, though local transcription volume increased 33.0%.

In the national non-network field, transcription volume was 9.0% below that of April, 1934. Live talent advertising experienced an increase of 55.8%, while announcement business rose 14.9%. Local transcription business was 45.9% greater than during the same month of last year. Live talent volume showed a gain of 41.8%, announcement volume 35.3%, while programs employing records nearly doubled as to receipts.

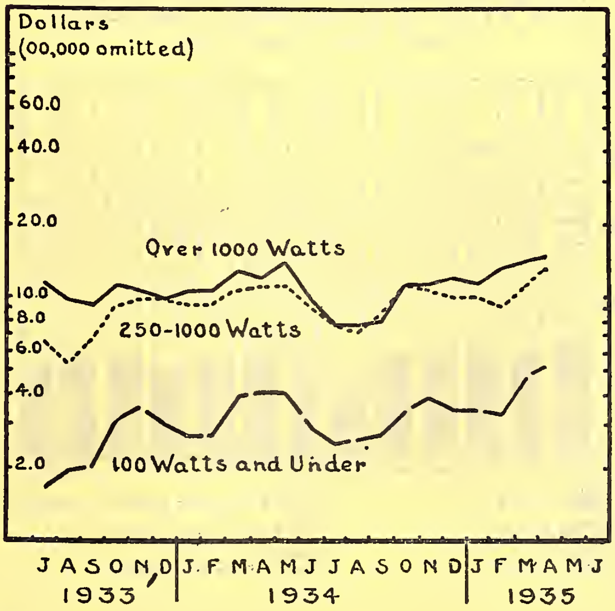
Sponsor Trends in April

The principal development of the month was the marked increase in national non-network and local automotive advertising. The former rose 53.4% as compared to March, while the latter increased 63.0%. Both forms of automotive broadcast advertising were more than double April 1934 volume. National network business in this

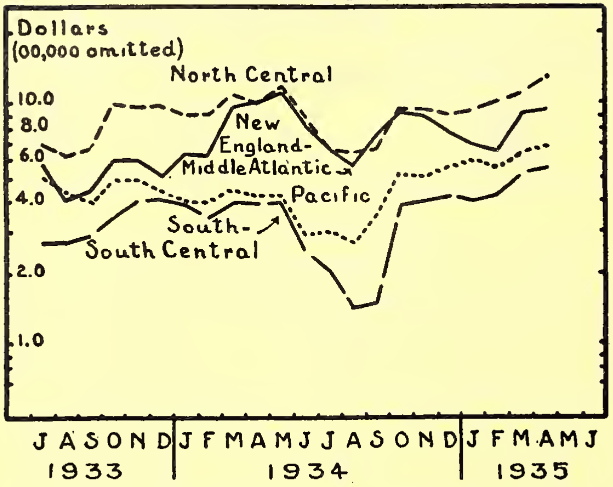
RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to April, 1935



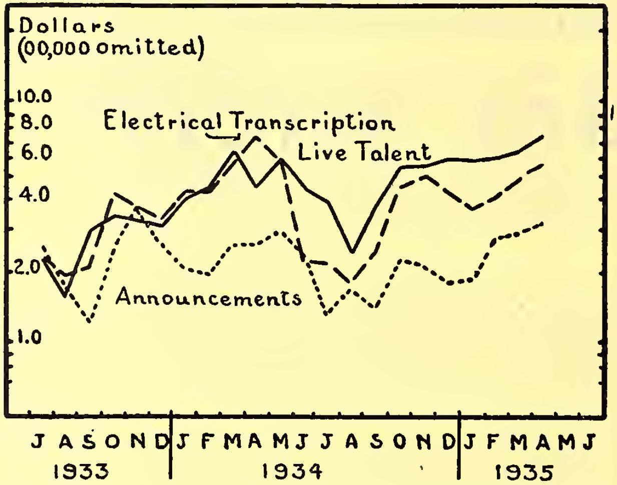
NON-NETWORK ADVERTISING BY STATION POWER
July, 1933, to April, 1935



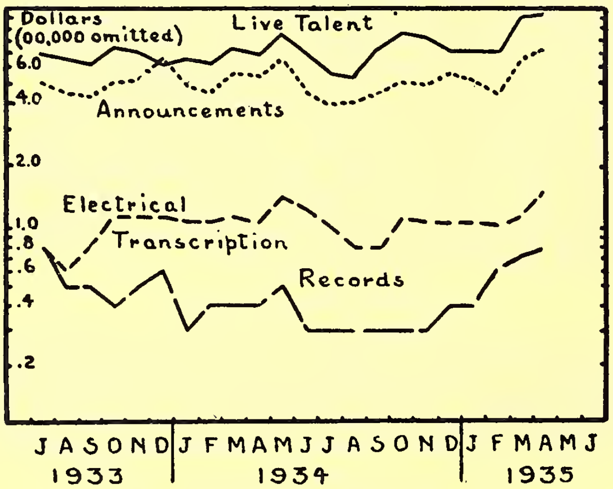
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to April, 1935



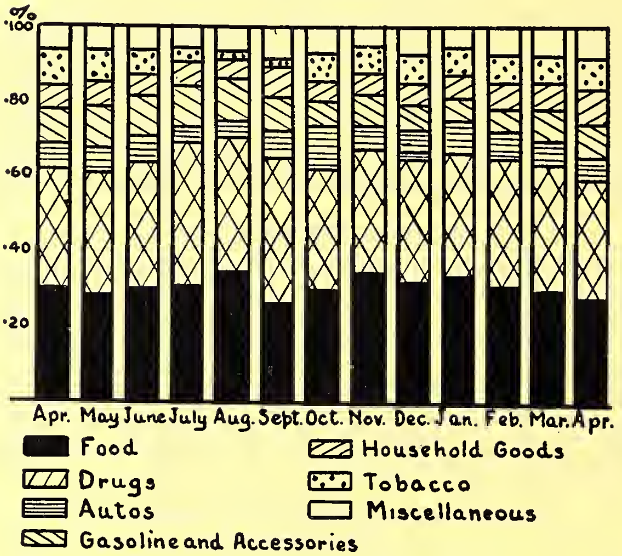
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION
July, 1933, to April, 1935



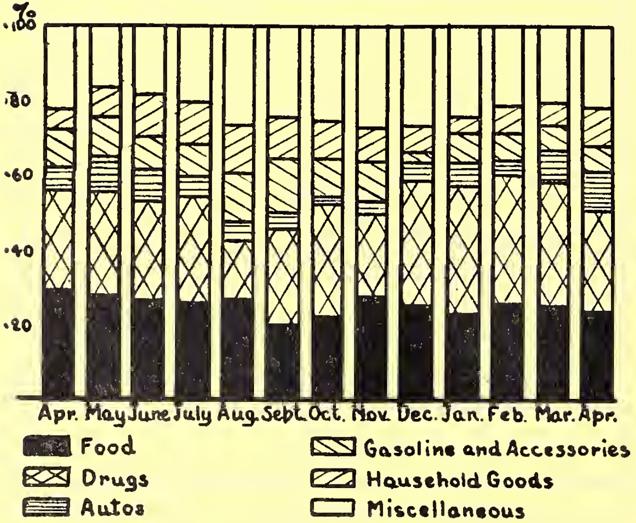
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to April, 1935



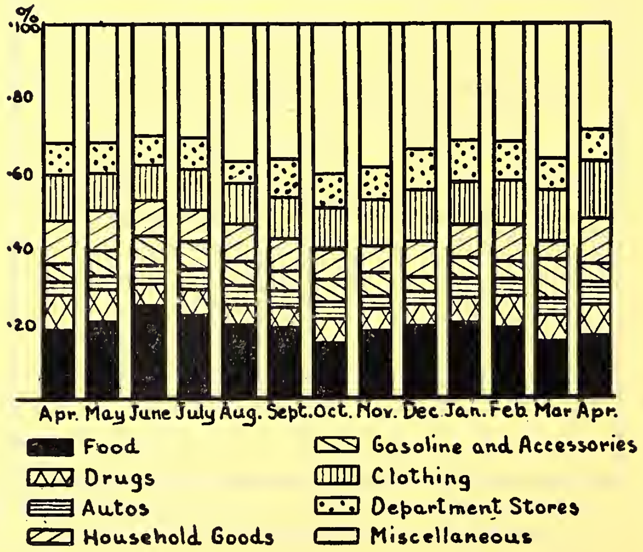
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
April, 1934, to April, 1935



NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
April, 1934, to April, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
April, 1934, to April, 1935



field declined 24.0% during the month, though remaining 12.3% ahead of the same period of last year.

National non-network and local gasoline and accessory advertising were well ahead of the 1934 level. National network drug advertising declined 32.6% as compared to March, but remained 37.0% ahead of the same period of last year. Regional network household equipment and supplies advertising during April was double that of the preceding year, increased volume of paint advertising being the principal cause. National non-network and local advertising in the same field rose materially. Department store advertising was 48.6% greater than during April, 1934. National non-network volume in this field, represented principally by mail order store outlets, increased ten-fold as against the same period of last year.

Detailed information regarding trends in broadcast advertising in various fields of sponsorship are as follows:

1a. ***Amusements.*** Increased 17.7% as compared to previous month and 32.5% as against last April. Rise in both national non-network and local fields.

1. ***Automotive.*** National network volume 24.0% less than in March. National non-network volume up 53.4% and local advertising up 63.0%. Compared to April, 1934, national network advertising gained 12.3%, while national non-network and local advertising more than doubled.

2. ***Gasoline and accessories.*** National network advertising 10.9% above March. Regional volume increased five-fold. National non-network advertising down 2.0% and local advertising level unchanged. National network advertising 4.7% greater than in April of last year. Regional volume down 50.0%. National non-network business up 24.5% and local up 35.3%.

3. ***Clothing.*** National network business declined approximately one-third as against March. Regional volume more than doubled. National non-network business rose 45.7% and local business 12.1%. Compared to April, 1934, gains are as follows: national network, 24.0%; regional network, more than ten-fold; national non-network, 45.0%; and local, 75.0%.

4. ***Drugs and Pharmaceuticals.*** National network volume declined 32.6% as compared to March, with a 9.0% drop in the national non-network field. Regional advertising up more than 600% and local volume up 31.7%. National network advertising 37.0% greater than April, 1934, regional volume double, national non-network up 29.8%, and local up 23.7%.

5. ***Toilet goods.*** Declines in all fields as compared to March. National networks down 5.3%, regional networks 31.2%, national non-network 10.3%, and local 11.7%. National network volume 3.0% above last April, with marked gains in regional field. National non-network business down 11.8% and local down 34.0%.

6. ***Foodstuffs.*** National network business 18.5% below March and regional volume down 49.5%. National non-network advertising up 6.2% and local up 8.2%. Compared to April, 1934, national network advertising up 10.4%, regional volume nearly doubled, and local business up 19.8%. National non-network business down 16.3%.

7. ***Beverages.*** Gains over March as follows: national networks 5.5%, national non-networks 71.8%, and local 16.7%. Local business rose 22.8% as compared April of last year. National network advertising dropped 9.0% and national non-network business 5.8%. Regional advertising declined materially.

8. ***Confectionery.*** National network advertising 6.8% below the March level, national non-network business down 20.0%, and regional volume down approximately 75.0%. Local business up 7.2%. Gains, compared to last April, are as follows: national networks 66.7%, regional networks tripled, national non-network 20.0%, and local 12.4%.

9. ***Household equipment.*** National network business declined 26.7% as compared to March. Regional advertising rose more than 800%, national non-network advertising 70.9%, and local 14.0%. National network business 79.6% above last April, regional volume nearly double, national non-network business up 54.1%, and local up 65.2%.

10. ***Soaps and kitchen supplies.*** Gains over March as follows: national networks 5.8%, national non-network 67.4%, and local approximately 100%. Regional volume down 37.5%. National network business 10.0% above last April, regional network advertising materially higher, and national non-network nearly double. Local advertising down 20.0%.

11. ***Insurance and financial.*** Little change from March except for 10.0% decline in local volume. National network business 31.7% below last April, and national non-network advertising down 10.0%. Local business 21.7% ahead of same month of 1934.

12. ***Radio.*** National network business unchanged from preceding month. National non-network volume up 25.0% and local down 31.0%. National network advertising 5.0% under last April, national non-network unchanged, and local down 31.1%.

13. ***Department and general stores.*** National non-network business was nearly double March. Local gained 9.0%. Local business up 39.3% as compared with April, 1934, while national non-network volume increased approximately ten-fold.

14. ***Tobacco products.*** Gains as compared to preceding month are as follows: national networks 8.4%, regional networks, 20.0%, national non-network business approximately 100%, and local 15.1%. Compared to April, 1934, gains are as follows: national networks 7.0%, local nearly double, with national non-network advertising showing an increase from $3,560 for last April to $60,728 during the current year.

15. ***Miscellaneous.*** General decline during the month. Compared to the same month of last year, gains are as follows: national networks 33.8%, regional networks 50.0%, national non-network 39.6%, and local 36.7%.

Retail Broadcast Advertising

General retail broadcast advertising rose 16.3% during the month and reached a level 71.1% above April, 1934. Principal gains, as compared to last year, are as follows: automotive, more than doubled; clothing and apparel shops, more than doubled; drug stores and beauty parlors, approximately tripled; restaurant advertising, up 30.0%; household equipment retailers, furniture and hardware stores, more than doubled; department stores, up 48.6%.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(April, 1935)

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$6,370	$47,550	$53,920
1–2. Automobiles and Accessories:					
(1) Automobiles	$247,951	—	177,900	119,445	545,296
(2) Accessories, gas and oils	376,203	11,108	113,000	88,205	588,516
3. Clothing and apparel	50,128	5,967	35,380	283,435	374,910
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	548,539	6,710	362,080	135,370	1,052,699
(5) Toilet goods	886,259	5,477	87,000	21,293	1,000,029
6–8. Food products:					
(6) Foodstuffs	803,130	15,209	291,210	232,960	1,342,509
(7) Beverages	269,965	1,350	53,905	83,785	409,005
(8) Confections	180,314	700	59,000	11,250	251,264
9–10. Household goods:					
(9) Household equipment and furnishings	86,150	9,840	93,900	227,407	417,297
(10) Soap and kitchen supplies	297,072	3,038	76,750	8,670	385,530
11. Insurance and financial	42,964	—	15,865	61,340	120,169
12. Radios	94,650	—	3,500	9,058	107,208
13. Retail establishments	—	—	13,700	160,430	174,130
14. Tobacco products	348,664	9,900	60,728	8,846	428,138
15. Miscellaneous	166,024	12,759	195,235	440,283	814,301
Total	$4,398,013	$82,058	$1,645,523	$1,939,327	$8,064,921

General Business Conditions

A slow recession has been in progress in business during recent weeks, the *New York Times* Index declining from 83.0% of the 1923-25 on May 4 to 81.4% on May 18. The Federal Reserve Board index of industrial production for April was two points below that of the preceding month. Prices also have shown mild recessions in recent weeks. On the other hand, automobile production increaesd to a point exceeding 100,000 units during the week ending May 25, following the cessation of labor difficulties, while individual companies report a continuing favorable trend in new car sales.

April trade maintained a level above that of the previous year. Daily average sales of variety stores in April were 12.5% greater than during the same month of 1934. Rural retail sales showed a gain of 37.0. Retail new car financing in the automotive field was 18.8% higher than in April, 1934, while grocery chain store sales experienced a gain of 6%.

TOTAL BROADCAST ADVERTISING

Class of Business	*1935 Gross Time Sales* *March*	 *April*	 *Cumulative Jan.-April*
National networks	$4,923,245	$4,398,013	$18,505,219
Regional networks	77,360	82,058	275,357
National non-network	1,470,990	1,645,523	5,680,705
Local	1,816,145	1,939,327	6,484,350
Total	$8,287,740	$8,064,921	$30,945,631

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*1935 Gross Time and Space Sales* *March*	 *April*	 *Cumulative Jan.-April*
Radio broadcasting	$8,287,740	$8,064,921	$30,945,631
National magazines[1]	12,348,858	13,093,525	44,062,319
National farm papers	534,800	597,153	1,930,417
Newspapers[2]	45,600,000	$46,734,000	$164,208,000
Total	$66,771,398	$68,489,599	$241,146,367

[1] Based on 124 magazines compiled by Publishers Information Bureau, Inc., from which source national farm papers and network figures also are taken.

[2] Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	*1935 Gross Time Sales* *March*	 *April*	 *Cumulative Jan.-April*
Over 1,000 watts	$1,543,465	$1,675,490	$5,862,445
250-1,000 watts	1,293,670	1,444,530	4,689,285
100 watts	450,000	464,830	1,613,325
Total	$3,287,135	$3,584,850	$12,165,055

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	*1935 Gross Time Sales* *March*	 *April*	 *Cumulative Jan.-April*
New England-Middle Atlantic Area	$894,000	$952,310	$3,197,360
South Atlantic-South Central Area	515,560	570,840	1,905,920
North Central Area	1,217,770	1,371,600	4,581,560
Pacific and Mountain Area	659,805	690,100	2,480,215
Total	$3,287,135	$3,584,850	$12,165,055

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	*1935 Gross Time Sales* *March*	 *April*
Automobiles and accessories:		
Automobile agencies and used car dealers	$74,450	$119,175
Gasoline stations, garages, etc.	74,265	55,080
Clothing and apparel shops	249,000	293,330
Drugs and toilet goods:		
Drug stores	15,700	37,850
Beauty parlors	11,285	9,985
Food products:		
Grocery stores, meat markets, etc.	46,400	57,250
Restaurants and eating places	16,200	25,400
Beverage retailers	3,375	1,980
Confectionery stores	2,600	2,850
Household goods:		
Household equipment retailers	54,245	78,096
Furniture stores	109,270	93,035
Hardware stores	19,640	37,725
Radio retailers	13,554	9,050
Department and general stores	153,730	174,130
Tobacco shops	4,050	1,150
Miscellaneous	92,260	98,110
Total	$940,384	$1,094,196

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*March*	*April*	*March*	*April*	*March*	*April*	*Jan.-April*
Electrical transcriptions	$504,675	$573,870	$122,280	$162,080	$626,955	$735,950	$2,378,086
Live talent programs	672,400	751,080	960,896	967,790	1,633,296	1,718,870	6,007,345
Records	4,476	14,223	71,334	79,057	75,810	93,280	289,423
Announcements	289,439	306,350	661,635	730,400	951,074	1,036,750	3,490,201
Total	$1,470,990	$1,645,523	$1,816,145	$1,939,327	$3,287,135	$3,584,850	$12,165,055

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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PRALL CONFIRMED

The Senate late Friday confirmed the appointment of Anning S. Prall as a member of the Federal Communications Commission for a period of seven years, beginning July 1 next.

RECOMMENDS NEW ST. JOSEPH STATION

J. L. Scroggin, filed an application with the Federal Communications Commission for a construction permit for a new broadcasting station to be located at St. Joseph, Mo., to use 1310 kilocycles, 100 watts power and unlimited time on the air. Similar application was filed by the News Broadcasting Company with identical facilities also at St. Joseph.

Melvin H. Dalberg(e) in Report No. I-61 recommends that the Scroggin application be granted and that the application of the News Broadcasting Company be denied.

COURT DENIES REHEARING

Station WREN, Leavenworth, Kans., has been denied rehearing by the United States Court of Appeals for the District of Columbia in its appeal to that court against a decision of the Federal Communications Commission in which the Court upheld the action of the Commission in denying WREN permission to intervene in the WHB, Kansas City, Mo., case where that station was allowed to operate at night.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Bondholders' Committee for loan of Joseph F. Faiella, Inc., New York City. (2-1448, Form D-1)
Golden Conqueror Mines, Inc., Manitou, Colo. (2-1449, Form A-1)
Distributors Group, Inc., New York City. (2-1450, Form C-1)
Allied Mortgage Companies, Inc., Baltimore, Md. (2-1451, Form D-2)
Associated Mortgage Companies, Inc., Baltimore, Md. (2-1452, Form D-2)
Bankers National Investing Corporation, Wilmington, Del. (2-1453, Form A-2)
Froedtert Grain & Malting Co., Inc., Greenfield, Wis. (2-1454, Form A-2)
Belvedere Hotel Bondholders' Committee, Baltimore, Md. (2-1455, Form D-1)
Central Hudson Gas & Electric Corp., Poughkeepsie, N. Y. (2-1456, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, June 17, 1935

Hearing Before the Commission En Banc

American Telephone & Telegraph Co. and New York Telephone Co. C. P. For authority to construct an experimental coaxial cable line between New York, N. Y., and Philadelphia, Pa.

Hearing Before an Examiner to Be Held at the Federal Building, Chicago, Ill.

WSBC—WSBC, Inc., Chicago, Ill.—Renewal of license, **1210 kc.**, 100 watts, specified hours.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Renewal of license, **1200 kc.**, 100 watts, shares with WFAM.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Renewal of license, **1210 kc.**, 100 watts, specified hours.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license, **1360 kc.**, 500 watts, 1 KW LS on Sundays, shares with WSBT.

Tuesday, June 18, 1935

NEW—Willis T. Shaughnessy, Bay Shore, N. Y.—C. P., **1370 kc.**, 100 watts, unlimited time.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Special experimental authorization, **1240 kc.**, 500 watts, 1 KW, unlimited time. Present assignment: **1500 kc.**, 100 watts, C. P. for 100 watts, 250 watts LS, unlimited time.

NEW—Edward Mirante and Arthur Faske, d/b as Connecticut Broadcasting Co., 150 Arch St., New Britain, Conn.—C. P., **1370 kc.**, 100 watts, unlimited time.

Wednesday, June 19, 1935

Hearing Before the Broadcast Division

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Renewal of license, **550 kc.**, 1 KW, 2½ KW LS, unlimited time.

Thursday, June 20, 1935

Argument Before the Broadcast Division

On an amendment to or clarification of Paragraph 176 of the Rules and Regulations of the Commission pertaining to mechanical reproductions. Parties desiring to participate must file notice of their intention not later than May 18, 1935.

APPLICATIONS GRANTED

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted modification of C. P. extending commencement date to 60 days after grant and completion date to 6 months thereafter.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted license to cover C. P., **920 kc.**, 1 KW, daytime hours only.

Atlantic Broadcasting Corp., New York City—Granted authority to transmit sustaining programs from stations WBBM and WABC-WOBQ to stations of the Canadian Radio Commission.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted authority to transmit sustaining programs from stations WBBM and WABC-WOBQ to stations of the Canadian Radio Commission.

WOL—American Broadcasting Co., Washington, D. C.—Granted license to cover C. P. authorizing changes in equipment.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 250 watts; **1370 kc.**, 100 watts, night, unlimited time.

WTCN—Minneapolis Broadcasting Corp., Minneapolis, Minn.—Granted modification of C. P. approving changes in equipment and antenna system; extending commencement date to within 10 days after grant and completion date to within 90 days thereafter.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted license to cover C. P. authorizing new equipment and increase in daytime power from 1 to 5 KW, and move of station locally; **1250 kc.**, 1 KW night, specified hours.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted modification of C. P. extending completion date to Sept. 14, 1935.

W8XEH—Ohio State University, Columbus, Ohio, Portable-Mobile. —Granted license to cover C. P. for new general experimental broadcast pickup station to pick up programs to be rebroadcast over station WOSU; frequencies **31100, 34600, 40600, 86000, 400000 kc.,** 10 watts, unlimited.

W4XD—WPTF Radio Company, Raleigh, N. C., Portable-Mobile. —Granted modification of license for authority to include frequencies **31100, 34600, 37600 kc.** Also granted renewal of license for this station for the next license period ending October 1, 1936.

SET FOR HEARING

NEW—Vernon Taylor Anderson, Mgr., A.B.C. Broadcasting Co., Big Spring, Tex.—Application for C. P. for new station, **1500 kc.,** 100 watts, daytime.

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P. amended so as to request authority to erect new station at San Diego, exact location to be determined subject to Commission approval; **1200 kc.,** 100 watts, daytime only.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABC, San Antonio, Tex.; KBPS, Portland, Ore.; KDB, Santa Barbara, Cal.; KERN, Bakersfield, Cal.; KFG, Boone, Ia.; KFIZ, Fond du Lac, Wisc.; KFJM, Grand Forks, N. Dak.; KFJZ, Fort Worth, Tex.; KFRO, Longview, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFI, Corpus Christi, Tex.; KGGC, San Francisco; KGIW, Alamosa, Colo.; KGKB, Tyler, Tex.; KGKL, San Angelo, Tex.; KGKY, Scottsbluff, Neb.; KICA, Clovis, N. Mex.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNCW, Austin, Tex.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPQ, Wenatchee, Wash.; KRE, Berkeley, Cal.; KREG, Santa Ana, Cal.; KRKD, Everett, Wash; KUJ, Walla Walla, Wash.; KWYO, Sheridan, Wyo.; KXO, El Centro, Cal.; WACO, Waco, Tex.; WABY, Albany, N. Y.; WAGF, Dothan, Ala.; WAGM, Presque Isle, Maine; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCNW, Brooklyn, N. Y.; WDAS, Philadelphia, Pa.; WEED, Rocky Mount, N. C.; WELL, Battle Creek, Mich.; WGAL, Lancaster, Pa.; WGL, Fort Wayne, Ind.; WHB, Memphis, Tenn.; WHFC, Cicero, Ill.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WJBO, Baton Rouge, La.; WKBB, East Dubuque, Ill.; WKBI, Cicero, Ill.; WKBV, Richmond, Ind.; WKEU, Griffin, Ga.; WLLH, Lowell, Mass.; WMAS, Springfield, Mass.; WMBH, Joplin, Mo.; WMBQ, Brooklyn, N. Y.; WMEX, Boston; WNBF, Binghamton, N. Y.; WNRA, Muscle Shoals City, Ala.; WOC, Davenport, Ia.; WOPI, Bristol, Tenn.; WRAK, Williamsport, Pa.; WRDW, Augusta, Ga.; WRGA, Rome, Ga.; WRJN, Racine, Wisc.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.; WWRL, Woodside, L. I.; WWSW, Pittsburgh, Pa.; KSLM, Salem, Ore.; KVL, Seattle, Wash; WDNC, Durham, N. C.; WHDF, Calumet, Mich.; WHEF, Kosciusko, Miss.; WJMS, Ironwood, Mich.; WKBZ, Muskegon, Mich.

W8XAR—Westinghouse E. and M. Co., Saxonburg, Pa.—Granted renewal of special experiment station license for experimental service, in exact conformity with existing license, for period June 23, 1935, to Sept. 23, 1935.

W1XBS—American Republican, Inc., New Haven County, Conn.—Present license extended on a temporary basis for the period June 11 to July 11, 1935, subject to such action as may be taken on pending application for renewal.

W2XR—John V. L. Hogan, d/b as The Scientific Broadcasting Service, Long Island City, N. Y.—Present license extended on a temporary basis for the period June 29 to July 29, 1935, subject to such action as may be taken on pending application for renewal.

MISCELLANEOUS

WHBC—Edward P. Graham, Canton, Ohio—Denied special temporary authority to operate from 9 to 10 P. M., EST, for the period June 4 to July 3, 1935, in order to broadcast special programs.

NEW—The Fort Industry Co., Cleveland, Ohio.—C. P. for new station, **850 kc.,** 250 watts LS, daytime, heretofore set for hearing, was dismissed at request of applicant.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—C. P., **1300 kc.,** 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

NEW—G. M. Electric Service Co., Stevensville, Mont.—C. P., **1500 kc.,** 100 watts, unlimited time, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48 of the Commission.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted application as amended for renewal of license for regular period. Reconsidered action of January 29, 1935, in designating application for renewal of license for hearing.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Granted renewal of license for regular period. Reconsidered action of Nov. 27, 1934, in designating for hearing renewal application. Satisfactory time-sharing agreement with WJBW has been reached.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted an increase in day time power to 1 KW. Application to increase night power to 1 KW remains in hearing docket.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City—Granted request for withdrawal of application for modification of license without prejudice.

NEW—Edward Mirente and Arthur Faske, New Britain, Conn.—Denied request to continue hearing scheduled for June 18, 1935, on application for new station at New Britain, Conn., to operate on **1370 kc.,** 100 watts.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Granted petition to reopen and consider application for C. P. for new station to operate on **780 kc.,** 500 watts night, 1 KW day.

NEW—Milwaukee Broadcasting Co., Milwaukee, Wis.—Affirmed action of February 12, 1935, in granting application for new station to operate on **1310 kc.,** 100 watts, daytime only, since protest of WHBL has been withdrawn.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted request to strike the request for oral argument on the Examiner's report in re application for authority to make changes in equipment and increase daytime power from 100 to 250 watts.

NEW—L. M. Kennett, Indianapolis, Ind.—Granted request for oral argument in re Examiner's Report No. 1-53, to be heard November 7, 1935.

WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authority to continue to use frequency **850 kc.** until August 1, 1935.

SPECIAL AUTHORIZATIONS

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted special temporary authority to operate without an approved frequency monitor for the period beginning June 7 and ending not later than June 20, 1935.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period beginning July 1 and ending in no event later than Sept. 9, 1935, in order to observe school vacation period.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent from July 1 to Sept. 11; Oct. 12, Nov. 1 and 2; Nov. 5, 11, 28, 29 and 30, and from Dec. 23 to 31 inclusive, in order to observe school and legal holidays. To operate from 8:30 A. M. to 10 A. M. and from 2 to 3 P. M., Eastern Daylight Saving Time, instead of EST, for the period beginning Sept. 11 and ending in no event later than Sept. 30, 1935.

WAML—Southland Radio Corp., Laurel, Miss.—Granted extension of special temporary authority to remain silent for the period beginning June 1 and ending in no event later than June 15, 1935, for the purpose of moving studio and installing new equipment.

WGNY—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 15 days.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 7:15 P. M. to 12 midnight, CST, June 29, in order to broadcast annual banquet and dance.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted special temporary authority to operate a 100-watt portable transmitter on **1300 kc.** to conduct field strength measurements in the vicinity of Greenville, between 1 and 6 A. M., EST, for the period beginning June 15 and ending not later than July 14, 1935, in order to determine new location for transmitter, provided, however, station remains silent during Commission's monitoring schedule.

APPLICATIONS RECEIVED

W1XCW—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, Portable.—License to cover construction permit for **31100 kc.**, 20 watts. Amended to request additional frequencies of **31600, 40600, 37600, 34600 kc.**

W1OXF—National Broadcasting Co., Portable & Mobile—Modification of license to change communication points on general experimental station.

The Travelers Broadcasting Service Corp., Avon, Conn.—Construction permit for special experimental station for **63 kc.**, 150 watts.

W3XDD—Bell Telephone Laboratories, Whippany, N. Y.—Renewal of license for special experimental station on **560, 900, 1340 kc.**, 5 KW.

NEW—Robert E. Cole, Washington, Pa.—Construction permit to
1200 erect new station to be operated on **1200 kc.**, 100 watts, specified hours. Amended: Change frequency to **1350 kc.**, power to 250 watts, time to daytime.

NEW—American Broadcasting Corp., Cleveland, Ohio.—Construc-
890 tion permit to erect new station to be operated on **890 kc.**, 500 watts, 1 KW day, unlimited time. Request facilities of WMMN. (WMMN has consented if their application change in frequency is granted.)

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of
850 (B2-P-506) authorizing increase in power from 250 watts to 500 watts, 1 KW day, and move transmitter from Hotel Fairmont, Jefferson St., to site to be determined, Fairmont, W. Va., further requesting change in frequency from **890 kc.** to **850 kc.**, time from unlimited to daytime. Extend commencement and completion dates.

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Construc-
1200 tion permit to install new equipment, increase power from 100 to 100-250 watts day.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Special ex-
1240 perimental authority (B3-SA-101) to install new equipment to operate on **1240 kc.**, 250 watts, 1 KW day, and move transmitter from 309 8th St. to corner of 10th St. and River Levy, Augusta, Ga. Amended to request a construction permit instead of special authorization.

NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa.—Con-
1500 struction permit for new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: Approval of site of transmitter, Hawkeye Highway, between Kelleher and Merritt Sts., Fort Dodge, Iowa.

W1OXCL—Hearst Radio, Inc., Portable & Mobile—Modification of license of general experimental station to operate under Rule 320 instead of 307.

W1OXCM—Hearst Radio, Inc., Portable & Mobile—Modification of license of general experimental station to operate under Rule 320 instead of 307.

National Broadcasting Co., Inc.—Authority to use studio for production of programs to foreign radio stations (Canadian stations).

WJAR—The Outlet Company, Providence, R. I.—Extension of
890 special experimental authorization to use additional power of 250 watts night for regular license period to 3-1-36.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority
1370 to determine operating power by direct measurement of antenna.

KFNF—Henry Field Co., Shenandoah, Iowa.—Assignment of license
890 from Henry Field Co. to KFNF, Inc.

NEW—WCBS, Inc., Portable-Mobile.—Construction permit for new broadcast pickup station on **1622, 2060, 2150, 2790 kc.**, 25 watts.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction
760 permit to install new equipment, increase power from 1 KW to 5 KW; move transmitter from West Waterway, Harbor Island, Seattle, Wash., to 26th Avenue, S. W. and Florida Street, West Waterway, Seattle, Wash.; and change frequency from **920 kc.** to **760 kc.** Requests facilities of KXA. Amended to omit request for change in frequency and request for facilities of KXA.

NEW—Wolverine Broadcasting Co., John E. Fetzer, Ann Arbor,
830 Mich.—Construction permit for new station to be operated on **830 kc.**, 1 KW, daytime. Request call WANR.

WMC—Memphis Commercial Appeal, Memphis, Tenn.—Construc-
780 tion permit to make changes in equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.

WDAE—Tampa Times Co., Tampa, Fla.—Construction permit to
1220 make equipment changes and increase daytime power from 1 KW to 5 KW. Consideration under 6 (g).

WAGF—John T. Hubbard and Julian Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—Modification of construction permit (B3-P-294) to make equipment changes.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Con-
1410 struction permit to change equipment and frequency from **1370 kc.** to **1390 kc.**, power from 100 watts to 1 KW, 5 KW day. Amended: Request **1410 kc.** and equipment changes.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City,
1330 Iowa.—Construction permit to make equipment changes.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification
550 of B4-P-3285 as modified to extend completion date from 7-7-35 to 11-7-35.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—License to
770 cover 4-P-B-3275, increase power, install new equipment, change hours of operation.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to
970 cover (B4-P-2584) as modified to move transmitter and increase power.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to
970 use present transmitter as auxiliary transmitter.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of
770 special authorization to operate synchronously with KFAB from local sunset (KFAB's) to midnight, for period not to exceed 2-1-36.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Authority to
970 determine operating power by direct measurement of antenna.

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah.
550 —Construction permit for new station to be operated on **550 kc.**, 500 watts, unlimited time.

NEW—R. J. Nasser, Sacramento, Calif.—Construction permit for
850 new station to be operated on **850 kc.**, 250 watts, daytime.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construc-
650 tion permit to move transmitter from 225 Pine St. to 217 Pine St., Seattle, Wash.; move studio from 225 Pine St. to 4th and University St., Seattle, Wash., and make equipment changes.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.
1290 —Construction permit to increase power from 1 to 5 KW, install new equipment. Amended: Transmitter site to be determiner, near Salt Lake City, Utah. Antenna to be determined.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PLEASE RETURN CARDS!

Members are respectfully requested to expedite the return of cards recently mailed them on which provision is made for naming delegates and alternates to the Colorado Springs NAB Convention July 6-10.

LICENSE RENEWAL APPLICATIONS DUE!

According to Rule 27 of the FCC Rules and Regulations, renewal applications for stations operating on 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890, 900, and 920 kilocycles are due to be filed with the Commission on or before July 1, 1935.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Bonita Petroleum Corporation, Wilmington, Del. (2-1457, Form A-1)

Feather Butte Gold Mines, Inc., Wilmington, Del. (2-1458, Form A-1)

Minerals Products, Inc., New York City. (2-1459, Form A-1)

Bellevue Mines Company, Seattle, Wash. (2-1461, Form A-1)

Mitten Bank Securities Corp., Philadelphia, Pa. (2-1463, Form D-1)

Associated Petroleum Properties, Tulsa, Okla. (2-1465, Form A-1)

Independence Fund of North America, Inc., New York City. (2-1464, Form C-1)

Independence Fund of North America, Inc., New York City. (2-1466, Form C-1)

Bondholders Committee, Dallas Parcel Post Station, St. Louis, Mo. (2-1467, Form D-1)

Washington General Life Insurance Company, Washington, D. C. (2-1468, Form A-1)

Mountain Fuel Supply Company, Salt Lake City, Utah. (2-1469, Form E-1)

Colorado Silver Mines, Inc., Denver, Colo. (2-1471, Form A-1)

QUOTA FACILITIES DUE AND ASSIGNED TO BROADCAST STATIONS AS OF JUNE 4, 1935

First Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Conn.	2.13	1.90	— 0.23	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	— 10
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.13	+ 1.44	+ 9
R. I.	0.91	0.90	— 0.01	— 0
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.425	— 1.575	— 4

First Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Conn.	3.85	3.34	— 0.51	— 13
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	20.44	— 9.70	— 32
R. I.	1.65	1.00	— 0.65	— 39
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	44.995	—20.005	— 31

Second Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.88	+ 1.30	+ 15
Pa.	12.43	12.37	— 0.06	— 0
Va.	3.13	4.75	+ 1.62	+ 52
W. Va.	2.23	2.09	— 0.14	— 6
Total	36.00	38.09	+ 2.09	+ 6

Second Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ky	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.31	— 4.97	— 44
Ohio	15.50	12.06	— 3.44	— 22
Pa.	22.45	14.50	— 7.95	— 35
Va.	5.64	6.34	+ 0.70	+ 12
W. Va.	4.03	4.15	+ 0.12	+ 3
Total	65.00	47.61	—17.39	— 27

Third Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ala.	3.32	2.735	— 0.585	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.26	+ 0.62	+ 17
La.	2.63	5.40	+ 2.77	+105
Miss.	2.52	1.26	— 1.26	— 50
N. Car.	3.97	4.19	+ 0.22	+ 6
Okla.	3.00	3.36	+ 0.36	+ 12
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.24	+ 3.94	+ 54
Total	36.00	46.115	+10.115	+ 28

Third Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala.	5.99	4.685	— 1.305	— 22
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	5.20	+ 1.88	+ 57
Ga.	6.58	5.20	— 1.38	— 21
La.	4.75	5.60	+ 0.85	+ 18
Miss.	4.55	2.35	— 2.20	— 48
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	5.10	— 0.32	— 6
S. Car.	3.93	2.70	— 1.23	— 31
Tenn.	5.92	7.65	+ 1.73	+ 29
Texas	13.18	13.96	+ 0.78	+ 6
Total	65.00	62.045	— 2.955	— 5

Fourth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill.	10.14	11.14	+ 1.00	+ 10
Ind.	4.30	3.64	— 0.66	— 15
Iowa	3.28	5.27	+ 1.99	+ 61
Kans.	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.24	+ 0.42	+ 9
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	1.40	+ 0.50	+ 56
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.00	— 0.90	— 23
Total	36.00	39.43	+ 3.43	+ 10

Fourth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill.	18.30	15.62	— 2.68	— 15
Ind.	7.77	5.59	— 2.18	— 28
Iowa	5.93	8.06	+ 2.13	+ 36
Kans.	4.51	4.11	— 0.40	— 9
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	9.64	+ 0.94	+ 11
Nebr.	3.30	6.02	+ 2.72	+ 82
N. Dak.	1.63	2.20	+ 0.57	+ 35
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	5.98	— 1.07	— 15
Total	65.00	65.12	+ 0.12	+ 0

Fifth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	18.82	+ 1.64	+ 10
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	2.15	+ 0.52	+ 32
Nev.	0.27	0.30	+ 0.03	+ 11
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.14	+ 1.25	+ 43
Utah	1.54	3.30	+ 1.76	+114
Wash.	4.73	7.53	+ 2.80	+ 59
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	45.25	+ 9.25	+ 26

Fifth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz.	2.38	1.79	— 0.59	— 25
Calif.	31.02	22.52	— 8.50	— 27
Colo.	5.66	5.15	— 0.51	— 9
Idaho	2.43	2.05	— 0.38	— 16
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.30	— 0.19	— 39
N. Mex.	2.31	2.95	+ 0.64	+ 28
Ore.	5.21	6.19	+ 0.98	+ 19
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	8.94	+ 0.40	+ 5
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	56.54	— 8.46	— 13

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, June 24, 1935

Oral Argument Before the Broadcast Division

Examiner's Report No. I-40:

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to move transmitter; **1400 kc.**, 500 watts, share with WFOX, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Modification of license; **1400 kc.**, 500 watts, unlimited time (requests facilities of WFOX, WLTH and WBBC). Present assignment: **1400 kc.**, 500 watts, shares with WFOX, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; **1400 kc.**, 500 watts, shares with WFOX, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license; **1400 kc.**, 500 watts, shares with WVFW, WLTH and WBBC.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license; **1400 kc.**, 500 watts, share with WLTH (requests facilities of WARD and WFOX). Present assignment: **1400 kc.**, 500 watts, shares with WLTH, WARD and WFOX.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; **1400 kc.**, 500 watts, shares with WLTH, WCGU and WFOX.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of auxiliary transmitter license; **1400 kc.**, 500 watts.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license; **1400 kc.**, 500 watts, shares with WCGU, WFOX and WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license; **1400 kc.**, 500 watts, shares with WARD, WVFW and WBBC.

WFOX—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license; **1400 kc.**, 500 watts, unlimited time (requests facilities of WCGU, WLTH and WBBC). Present assignment: **1400 kc.**, 500 watts, shares with WCGU, WLTH and WBBC.

WFOX—Paramount Broadcasting Corp.—Renewal of license; **1400 kc.**, 500 watts, shares with WCGU, WLTH and WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license; **1400 kc.**, 500 watts, shares with WARD, WLTH and WBBC.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P., **1400 kc.**, 500 watts, unlimited time (requests facilities of WBBC, WLTH, WARD and WVFW).

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—C. P., **1400 kc.**, 500 watts, unlimited time (requests facilities of WARD, WBBC, WLTH and WVFW).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license; **1300 kc.**, 1 KW, unlimited time (requests facilities of WBBC, WLTH, WARD and WVFW). Present assignment: **1300 kc.**, 1 KW, shares with WBBR, WFAB and WHAZ.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Renewal of license; **1300 kc.**, 500 watts, shares with WFAB, WEVD and WBBR.

WFAB—Fifth Ave. Broadcasting Corp., New York, N. Y.—Renewal of license; **1300 kc.**, 1 KW, shares with WEVD, WBBR and WHAZ.

WBBR—Peoples Pulpit Association, Brooklyn, N. Y.—Renewal of license; **1300 kc.**, 1 KW, shares with WEVD, WFAB and WHAZ.

KFRU—KFRU, Inc., Columbia, Mo.—Modification of license; **630 kc.**, 500 watts, shares with WGBF, simultaneous day with WGBF. Present assignment: **630 kc.**, 500 watts, shares with WGBF and WOS, simultaneous day with WGBF.

WOS—State of Missouri, Missouri State Highway Patrol, Jefferson City, Mo.—Renewal of license; **630 kc.**, 500 watts, 9 a. m. to 4 p. m. daily except Sundays; Saturdays, 9 a. m. to 2 p. m.

NEW—Radio Service, Inc., Las Vegas, Nev.—C. P., **1200 kc.**, 100 watts, unlimited time.

KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Renewal of license; **1500 kc.**, 100 watts, unlimited time.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—C. P., **1500 kc.**, 100 watts, unlimited time.

Tuesday, June 25, 1935

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Modification of license; **1380 kc.**, 1 KW, unlimited time. Present assignment: **1380 kc.**, 500 watts, 1 KW LS, unlimited time.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Special experimental authority; **1380 kc.**, 250 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—C. P., **1380 kc.**, 1 KW, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

Wednesday, June 26, 1935

WWJ—The Evening News Ass'n, Inc., Detroit, Mich.—C. P., **920 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **920 kc.**, 1 KW, unlimited time.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., **920 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **920 kc.**, 500 watts, daytime.

Thursday, June 27, 1935

WLWL—Missionary Society of St. Paul, New York, N. Y.—Modification of license; **810 kc.**, 5 KW, unlimited time. Present assignment: **1100 kc.**, 5 KW, specified hours.

WWL—Loyola University, New Orleans, La.—Modification of license; **850 kc.**, 10 KW, unlimited time. Present assignment: **850 kc.**, 10 KW, specified hours S.A. unlimited time.

KWKH—International Broadcasting Corp., Shreveport, La.—Renewal of license; **850 kc.**, 10 KW, specified hours.

WWL—Loyola University, New Orleans, La.—Renewal of license; **850 kc.**, 10 KW, specified hours.

WNYC—City of New York, Department of Plant & Structures, New York, N. Y.—Renewal of license; **810 kc.**, 500 watts, daytime.

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license; **1130 kc.**, 5 KW after sunset, Salt Lake City, 20 KW 6 a. m. to 8:30 p. m.; specified hours. Present assignment: **1130 kc.**, 20 KW, limited time.

WOV—International Broadcasting Corp., New York, N. Y.—C. P., **1130 kc.**, 1 KW, unlimited time, except from 6 to 8 p. m., except hours assigned to WLWL on **1100 kc.** Present assignment: **1130 kc.**, 1 KW, daytime, 6 a. m. to 6 p. m.

WWL—Loyola University, New Orleans, La.—Extension of special authorization; **850 kc.**, 10 KW, unlimited time. Present assignment: **850 kc.**, 10 KW, specified hours S.A. for unlimited time.

WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Renewal of license; **810 kc.**, 50 KW, unlimited time.

WFAA—A. H. Belo Corporation, Dallas, Tex.—Renewal of license; **800 kc.**, 50 KW, share with WBAP.

WOV—International Broadcasting Corp., New York, N. Y.—Renewal of license; **1130 kc.**, 1 KW, daytime.

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Renewal of license; **1100 kc.**, 5 KW, specified hours.

Friday, June 28, 1935

NEW—David Parmer, Atlanta, Ga.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time (requests facilities of WJTL).

WJTL—Oglethorpe University, Atlanta, Ga.—Renewal of license; **1370 kc.**, 100 watts, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Voluntary assignment of license to J. W. Woodruff and S. A. Cisler, Jr.; **1370 kc.**, 100 watts, unlimited time.

NEW—David Parmer, Columbus, Ga.—C. P., **1200 kc.**, 100 watts, unlimited time (requests facilities of WRBL).

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Renewal of license; **1200 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WNAX—The House of Gurney, Inc., Yankton, S. D.—Granted modification of C. P. for approval of transmitter site and make changes in equipment.

KGDM—E. F. Peffer, Stockton, Calif.—Granted modification of C. P. for approval of transmitter site, make changes in equipment, extend commencement date from 1-11-35 to 30 days after grant extend completion date from 4-11-35 to 90 days thereafter.

WJW—WJW, Inc., Akron, Ohio.—Granted license to cover C. P. to operate on **1210 kc.**, 100 watts, unlimited time (C. P. authorized new equipment).

WHBY—WHBY, Inc., Green Bay, Wis.—Granted license to cover C. P. to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Mo.—Granted license to cover C. P. to operate on **1500 kc.**, 100 watts, unlimited (C. P. authorized erection new station).

W8XD—WBEN, Inc., Portable-Mobile.—Granted modification of license to include the frequencies **31100, 34600, 40600 kc.**

W8XD—WBEN, Inc., Portable-Mobile.—Granted renewal of license.

W6XAP—Airfan Radio Corp., Ltd., Portable-Mobile.—Granted modification of license to include the frequencies **34600** and **37600 kc.**

W6XAP—Airfan Radio Corp., Ltd., Portable-Mobile.—Granted renewal of license.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted construction permit (amended) for **1420 kc.**, 100 watts, daytime only.

WABI—First Universalist Society of Bangor, Bangor, Maine—Granted consent to voluntary assignment of license to the Community Broadcasting Service (a Maine corporation).

WREN—Jenny Wren Company, Tonganoxie, Kans.—Granted consent to voluntary assignment of construction permit to Wren Broadcasting Company, Lawrence, Kans.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted special experimental authorization to operate on **780 kc.**, 1 KW night, 2½ KW day, unlimited time for a period of 90 days.

KTAT—KTAT Broadcast Company, Inc., Fort Worth, Tex.—Granted regular license for **570 kc.**, 500 watts night, 1 KW day, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted regular license for **1240 kc.**, 1 KW, unlimited time.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of license to determine operating power by direct measurement of antenna.

SET FOR HEARING

NEW—E. F. Sapp and S. F. Sapp, trading as Waycross Broadcasting Company, Waycross, Ga.—Application for construction permit for new station; **1200 kc.**, 100 watts, unlimited.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa—Application for C. P. to move transmitter location, increase operating power from 250 watts night, 500 watts day to 500 watts night, 1 KW day, make changes in equipment.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Application for C. P. for new station; **1500 kc.**, 100 watts, unlimited.

NEW—Edwin A. Kraft, Fairbanks, Alaska.—Application for C. P. for new station; **950 kc.**, 250 watts, unlimited time.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—Application for C. P. for new station; **1370 kc.**, 100 watts, unlimited time.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—Application for C. P. for new station; **1500 kc.**, 100 watts, unlimited.

NEW—Harry H. Culver, Beverly Hills, Calif.—Application for construction permit for new station; **710 kc.**, 500 watts, limited time.

NEW—Chicago Broadcasting Association, Chicago, Ill.—Application for construction permit for new station; **1500 kc.**, 100 watts, unlimited time.

KFPL—C. C. Baxter, Dublin, Texas—Application for modification of C. P. for approval of transmitter site, make changes in equipment.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Application for license to cover C. P., **950 kc.**, 1 KW night, 5 KW day, unlimited.

KSD—The Pulitzer Publishing Co., St Louis, Mo.—Application for modification of license to increase hours of operation from sharing KFUO to unlimited.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Application for consent to voluntary assignment of license to Associated Broadcasters, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Application for consent to the transfer of control of the Associated Broadcasters, Inc., licensee of Station WKJC from Steinman Hardware Co., to the Mason-Dixon Radio Group, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Application for C. P. to move station from Lancaster, Pa., to exact location to be determined at Eastern, Pa.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Application for C. P. for new station; **1120 kc.**, 250 watts, daytime only.

NEW—Oil Capital Broadcasting Association, Kilgore, Tex.—Application for C. P. for new station; **1210 kc.**, 100 watts, unlimited; requests facilities of KWEA. Transmitter site and type of antenna to be determined, subject to Commission's approval.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Application for modification of license to change frequency from **1200 kc.** to **1500 kc.** and hours of operation from shares WJBW to unlimited.

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Application for C. P. (amended) for new station; **11850** and **15230 kc.**, 2 KW, six days per week (Thursday to Tuesday, incl.), 2½ hours per day. Exact time for day not set (1 hour daytime and 1½ hours night-time planned).

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla. —Application for modification of license to change hours of operation from sharing KCRC to unlimited time, requesting facilities KCRC.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Application for C. P. to move station locally to site to be determined, subject approval Commission; install new equipment; increase power to 1 KW night, 5 KW day, increase hours of operation from sharing KELW to unlimited.

KCRC—Enid Radiophone Co., Enid, Okla.—Application for renewal of license; **1370 kc.**, 100 watts night, 250 watts day, shares KGFG.

ACTION ON EXAMINER'S REPORTS

WMBR—Ex. Rep. I-45: Florida Broadcasting Co., Jacksonville, Fla.—Denied construction permit to change equipment and increase day power from 100 watts to 250 watts. Sustaining Examiner M. Dalberg.

NEW—Ex. Rep. I-47: Fred L. Packard and A. Rosenberg, Los Angeles, Calif.—Denied construction permit for new station to operate on **1160 kc.**, 250 watts, daytime, sustaining Examiner R. L. Walker.

KFBK—Ex. Rep. I-35: James McClatchy Company, Sacramento, Calif.—Granted C. P. to move transmitter, make changes in equipment, change frequency from **1310 kc.** to **1490 kc.**, increase power from 100 watts to 5 KW, unlimited time. Examiner R. L. Walker reversed.

WBIG—Ex. Rep. I-31: North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Denied modification of license to increase night power from 500 watts to 1 KW; **1440 kc.**, 1 KW, unlimited time. Examiner R. H. Hyde sustained.

WFBR—Ex. Rep. I-25: Howell Broadcasting Co., Inc., Buffalo, N. Y.—Denied construction permit to install new equipment; change frequency from **1310 kc.** to **800 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW; change time of operation from unlimited to limited time to local sunset at Dallas, Tex. Examiner George H. Hill sustained.

Associated Broadcasting Corp., Cumberland, Md.—Granted modification of license to change hours of operation from daytime to 6 a. m. to local sunset at Dallas, Tex.; **800 kc.**, 250 watts. Examiner George H. Hill sustained.

WBAX—Ex. Rep. I-18: John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day, change time of operation from specified to unlimited. Examiner R. L. Walker sustained.

WBAX—Ex. Rep. I-18: John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license; **1210 kc.**, 100 watts, specified hours. Examiner R. L. Walker reversed.

Sunbury Broadcasting Corp., Sunbury, Pa.—Denied modification of license to change hours of operation from specified hours to unlimited time. Examiner R. L. Walker reversed.

WKOK—Ex. Rep. I-18: Sunbury Broadcasting Corp., Sunbury, Pa. —Granted renewal of license; **1210 kc.**, 100 watts, specified hours. Examiner R. L. Walker sustained.

ORAL ARGUMENTS GRANTED

The Commission granted oral argument in re Examiner's Report No. I-48, on the application of Buttrey Broadcasting, Inc. (KFBB), Great Falls, Mont., for special experimental authorization, said oral argument to be heard at 10 a. m., September 12, 1935.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at the request of applicants.

NEW—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., **630 kc.**, 250 watts, daytime only.

NEW—Howell Broadcasting Co., Inc., Rochester, N. Y.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Special experimental authority; **1280 kc.**, 1 KW, shares WTNJ and WCAM.

KADA—C. C. Morris, Ada, Okla.—C. P., **1200 kc.**, 250 watts, daytime only.

NEW—Connecticut Broadcasting Co., Edward Mirante and Arthur Faske, New Britain, Conn.—C. P., **1370 kc.**, 100 watts, unlimited.

NEW—J. David Stern, New York, N. Y.—C. P., **810 kc.**, 500 watts, 6 a. m. to sunset of Station WCCO. (Requests facilities of WNYC.)

APPLICATIONS DENIED

The following application, heretofore set for hearing, was denied as in cases of default, applicant having failed to enter an appearance and statement of facts to be proved in accordance with Rule 48 (b) of the Commission:

NEW—Ark-La-Tex Radio Corp., Shreveport, La.—C. P., **850 kc.**, 10 KW, unlimited time (requests facilities of KWKH, WWL).

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

WEHS, Cicero, Ill.; WHDL, Olean, N. Y.; WMBC, Detroit, Mich.; WPAD, Paducah, Ky.; WQDM, St. Albans, Vt.; KIDW, Lamar, Colo.; WCBS, Springfield, Ill.; WLAP, Lexington, Ky.; WMBR, Jacksonville, Fla.

KABR—Aberdeen Broadcast Co., Aberdeen, S. D.—Present license extended on a temporary basis to August 1, 1935, subject to such action as may be taken on pending application for renewal.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—Present license extended on a temporary basis to August 1, 1935, subject to such action as may be taken on pending application for renewal.

KUMA—Albert H. Schermann, Yuma, Ariz.—Present license extended on a temporary basis to October 1, 1935, subject to such action as may be taken on pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Present license extended on a temporary basis to August 1, 1935, subject to such action as may be taken upon the application for renewal of license.

KGDY—Voice of South Dakota, Huron, S. D.—Granted renewal of license for the period ending 3 a. m., EST, November 1, 1935.

WRBX—Richmond Development Corp., Roanoke, Va.—Granted renewal of license for the period ending 3 a. m., EST, November 1, 1935.

KFXJ—R. G. Howell and Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Granted renewal of license for the period ending 3 a. m., EST, December 1, 1935.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas—Granted renewal of license for the period ending 3 a. m., EST, December 1, 1935.

KXL—KXL, Broadcasters, Portland, Ore.—Present license extended on a temporary basis to October 1, 1935, subject to such action taken upon application for renewal.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Present license extended on a temporary basis to October 1, 1935, subject to such action as may be taken upon application for renewal.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Present license extended on a temporary basis to October 1, 1935, subject to such action as may be taken on application for renewal.

MISCELLANEOUS

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Denied petition asking increase in day power to 1 KW without a hearing on **920 kc.**, disregarding application for 500 watts at night.

WWJ—Evening News Association, Detroit, Mich.—Denied petition asking increase in day power from 1000 to 5000 watts without a hearing. Upon protest of Station WAAF.

NEW—Edwin A. Kraft, Fairbanks, Alaska.—Denied petition requesting grant of C. P. for new station at Fairbanks, Alaska, to operate on **950 kc.**, 250 watts, without a hearing.

WGN—WGN, Inc., Chicago, Ill.—Granted petition to intervene at hearing of application of WAAF for unlimited hours of operation on **920 kc.**, and for increase in power.

WMAQ and WENR—National Broadcasting Co., Inc., Chicago, Ill. —Granted petition to intervene at hearing of application of WAAF for increase in power and unlimited operation on **920 kc.**

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Denied application for continuance of hearing scheduled for August 1, 1935, on application for modification of license and change frequency from **1370 kc.** to **1450 kc.** and increase night power from 100 watts to 250 watts.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene at hearing of application of WAAF for unlimited hours of operation on **920 kc.** and for increase in power.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Reconsidered and granted application for authority to install new equipment, increase day power from 1 KW to 5 KW.

NEW—Black Hills Broadcast Co., Rapid City, S. Dak.—Denied petition requesting grant of C. P. without hearing for new station to operate on **1370 kc.**, 100 watts.

NEW—Educational Radio, Inc., Spartanburg, S. C.—Denied petition for reconsideration of action of Commission in designating for hearing application for new station to operate on **1420 kc.**, 100 watts, unlimited time.

WMFE—Edward Mirante and Arthur Faske, d/b as Connecticut Broadcasting Co., New Britain, Conn.—Denied protest against grant of C. P. and modification of C. P. to Wm. J. Sanders, WMFE, New Britain, Conn. Grant is for new station to operate on **1380 kc.**, 250 watts, daytime.

WARD—U. S. Broadcasting Corp., Brooklyn, N. Y.—Denied request for continuance of 30 days of oral argument on Examiner's Report No. I-40 set for June 24, 1928.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Denied request for postponement of arguments "until Fall."

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Denied petition for reconsideration and grant of C. P. for increase in power and change in equipment.

APPLICATIONS RECEIVED

First Zone

NEW—Brown Radio Service & Laboratory (Gordon P. Brown,
1210 owner), Rochester, N. Y.—Construction permit to erect a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended to request daytime instead of unlimited. Omit request for facilities of WOCL.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and
1370 Bostwick, St. Albans, Vt.—Construction permit to move transmitter and studio from 16 Kingman St. to 42 No. Main St., St. Albans, Vt.

Second Zone

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.
550 —License to cover construction permit (B2-P-3280) as modified for a new station on **550 kc.**, 500 watts, unlimited time.

NEW—Wolverine Broadcasting Co., John E. Fetzer, Ann Arbor,
830 Mich.—Construction permit for new station to be operated on **830 kc.**, 1 KW, daytime. Request call WANR.

NEW—Steel City Broadcasting Co., Harold C. Lund, Bernard Arm-
890 strong, Jerome Mahall, Pittsburgh, Pa.—Construction permit for new station to be operated on **890 kc.**, 500 watts, unlimited. Amended as to equipment.

NEW—Best Broadcasting Co., Frankfort, Ky.—Construction per-
1210 mit for a new station to operate on **1210 kc.**, 100 watts, 250 watts local sunset, unlimited time.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—
1310 License to cover construction permit (B2-P-244) to install new equipment and increase day power from 100 watts to 250 watts.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
780 Construction permit to make changes in equipment and increase power from 1 KW, 2½ KW day to 1 KW, 5 KW day.

WJAX—City of Jacksonville, Jacksonville, Fla.—Modification of
900 construction permit for approval of transmitter site at First, Main and Laura Sts., Jacksonville, Fla. Amended: Request approval of new site at Municipal Golf Course, Hyde Park, Jacksonville, Fla., and to extend commencement date.

KWKH—International Broadcasting Corp., Shreveport, La.—
1100 Extension of special experimental authorization to operate on **1100 kc.**, unlimited, using a directional antenna at night for period of 8-1-35 to 2-1-36.

NEW—Albert E. Davis, Brownwood, Texas—Construction permit
1200 for new station to be operated on **1200 kc.**, 100 watts power, unlimited time.

NEW—G. L. Burns, Brady, Texas—Construction permit for a new
1210 station to operate on **1210 kc.**, 100 watts, daytime. Amended to request **1500 kc.**

WDAE—Tampa Times Co., Tampa, Fla.—Construction permit to
1220 make equipment changes and increase daytime power from 1 KW to 5 KW. Consideration under 6 (g).

NEW—J. W. Stanford, d/b as Brunswick Broadcasting Co., Bruns-
1310 wick, Ga.—Construction permit for new station to operate on **1310 kc.**, 100 watts, unlimited.

KLUF—Geo. Roy Clough, Galveston, Texas—Extension of special
1370 experimental authorization to operate on 100 watts, 250 watts local sunset for period 7-1-35 to 1-1-36.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—Modification of construction permit (B3-P-294) to make equipment changes.

Fourth Zone

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification
550 of B4-P-3285 as modified to extend completion date from 7-7-35 to 11-7-35.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa—License
600 to cover (B4-P-181) as modified to move transmitter from approximately 5 miles from Waterloo, Iowa, to Marion Township, Iowa, and to install new equipment.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of
770 special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight CST from 8-1-35 to 2-1-36.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—License to
770 cover 4-P-B-3275, increase power, install new equipment, change hours of operation.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of
770 special authorization to operate synchronously with KFAB from local sunset (KFAB's) to midnight, for period not to exceed 2-1-36.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of
970 special experimental authorization to operate unlimited time for period from 8-1-35 to 2-1-36.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to
970 cover (B4-P-2584) as modified to move transmitter and increase power.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Authority to
970 determine operating power by direct measurement of antenna.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to
970 use present transmitter as auxiliary transmitter.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Construction
1160 permit for new equipment, increase in power from 10 KW to 25 KW; 10 KW day.

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broad-
1200 casting Co., Bloomington, Ill.—Construction permit to install new equipment and increase the operating power from 100 watts to 100 watts, 250 watts local sunset.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux
1330 City, Iowa—Modification of license to change hours of
operation from simultaneous day with WTAQ, S. H. night
to unlimited.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux
1330 City, Iowa—Construction permit to make equipment changes.

KFJM—University of North Dakota, Grand Forks, N. D.—Con-
1410 struction permit to change equipment and frequency from
1370 to **1390 kc.,** power from 100 watts to 1.5 KW day.
Amended: request **1410 kc.,** and equipment changes.

Fifth Zone

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah
550 —Construction permit for new station to be operated on
550 kc., 500 watts, unlimited time.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construc-
710 tion permit to move transmitter from 225 Pine St. to 217
Pine St., Seattle, Wash., move studio from 225 Pine St.
to 4th and University Sts., Seattle, Wash., and make equip-
ment changes.

NEW—R. J. Nasser, Sacramento, Calif.—Construction permit for
850 new station to be operated on **850 kc.,** 250 watts daytime.

KGA—Louis Wasmer, Spokane, Wash.—Special experimental au-
950 thorization to operate on **950 kc.,** 1 KW, 5 KW day for regu-
lar license period.

NEW—Julius Brunton & Sons Co., Fresno, Calif.—Construction
980 permit for new station to be operated on **980 kc.,** 250 watts,
daytime.

NEW—Pauline Holden, Porterville, Calif.—Construction permit
1160 for new station on **1160 kc.,** 100 watts, daytime. Amended
to change frequency from **1160 kc.** to **1210 kc.,** and hours
operation to unlimited.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Modification of
1200 license to change hours of operation from daytime to un-
limited.

KVOR—S. H. Patterson, Colorado Springs, Colo.—Construction
1270 permit to move transmitter from 14 S. Nevada St., Colorado
Springs, Colo., to "outside city limits," Colorado Springs,
Colo., and make equipment changes. Amended: Antenna
changes.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—
1290 Construction permit to increase power from 1 to 5 KW,
install new equipment. Amended: Transmitter site to be
determined, near Salt Lake City, Utah. Antenna to be
determined.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS * * * * Vol. 3 - - No. 30
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Copyright, 1935. The National Association of Broadcasters

WRITE, WIRE, 'PHONE YOUR SENATOR

Every member of the NAB who believes that the $250 statutory minimum damages for innocent infringement of music copyright should be eliminated from the law should write, wire or telephone his Senator immediately asking that he use his influence to secure early consideration and passage without amendment of the Duffy Copyright Bill (S. 3047) which has been favorably reported to the Senate by the Senate Patents Committee. The bill has the support of the President and the Department of State. Quick action is necessary.

BOARD ADOPTS ASCAP RESOLUTION

A meeting of the Board of Directors of the NAB was held at the St. Regis Hotel, New York, Saturday, June 22. The following were present: Ward, Wheelehan, Kay, Russell, Gillen, Persons, Lounsberry, Church, Myers, Levy, Lyons, Hedges, Carpenter, Buckwalter, Butcher, McCosker, Hubbard and Loucks, Managing Director. Fitzpatrick and Crosley were unable to attend.

Preliminary to the Board meeting the members heard Edward Klauber, executive vice president of the Columbia Broadcasting System; A. L. Ashby, vice president and general attorney of the National Broadcasting Company; I. D. Levy, NAB treasurer and representative of Station WCAU; and J. C. Hostetler, NAB copyright counsel; discuss the negotiations with the American Society of Composers, Authors and Publishers which had been under way for several weeks. Messrs. Klauber, Ashby and Levy explained the circumstances under which they executed five year extensions of their companies' contracts with ASCAP after which the Board directed the Managing Director to publish in NAB Reports the statement made by Mr. Ashby on behalf of his company reviewing developments in the negotiations.

A. L. McCosker, chairman of the NAB Copyright Committee, announced that he had not as yet signed an extension of the WOR contract with ASCAP although the matter was being considered by his station's attorneys.

Mr. McCosker stated that on June 17 he had received a letter from ASCAP stating that the Society offered an opportunity for each and every station to extend its present contract for a period of five years and the Managing Director was authorized to communicate this letter to the members of NAB.

After hearing the discussions, the Board went into formal session. Messrs. Ashby, Klauber and Hostetler were not present at the Board meeting. The following resolution was unanimously adopted:

The Board of Directors of the National Association of Broadcastors passed the following Resolution:

WHEREAS, a full report covering the recent negotiations with ASCAP has been made to the Board by A. J. McCosker, Chairman of the Copyright Committee, heretofore appointed, and certain of the members of the Committee; and by Edward Klauber, representing the Columbia Broadcasting System; A. L. Ashby, representing the National Broadcasting Company; I. D. Levy, representing Station WCAU; and J. C. Hostetler, Copyright Counsel for the NAB; the Board makes the following declaration of principles and facts:

1. The Board reiterates that the so-called "per piece plan" or "measured service plan" is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.

2. The Board believes that the two networks and Station WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the Copyright Committee of ASCAP a "per piece" or "measured service" plan prior to the expiration of present contracts; and, that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry to have available upon the best terms possible the repertiore controlled by ASCAP; and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.

3. The Board of Directors believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years from January 1, 1936, (1) in the light of the requirements of his station, (2) his contract commitments, if any, either to the networks or advertisers and (3) the fact that the suit being prosecuted by the United States has been continued until early in November 1935, and therefore in all probability cannot be decided by the trial court prior to the date of the extension of the present license already granted which is January 1, 1936.

Accordingly, the Board attaches hereto, the letter dated June 17, which was sent to the Chairman of our Copyright Committee, and which was presented to the Board on June 22.

Passed Unanimously.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS

THIRTY ROCKEFELLER PLAZA
NEW YORK CITY

E. C. MILLS,
General Manager.

June 17, 1935

Mr. Alfred J. McCosker, Chairman,
Copyright Committee of the
National Association of Broadcasters,
Bamberger Broadcasting Service, Inc.,
1440 Broadway, New York, N. Y.

Dear Mr. McCosker:

This confirms my previous telephone conversation with you as Chairman of the Copyright Committee of the National Association of Broadcasters to the following effect:

ASCAP offers all broadcasting stations an opportunity, regardless of membership in your Association, to extend the terms of their present license agreements, as now in effect, for a period of five additional years, as from January 1, 1936. As you have been previously advised, pursuant to understanding reached with your Committee, ASCAP agreed that all present license agreements with broadcasters would be extended to December 31, 1935. The purpose now is to offer all broadcasters without exception an opportunity to extend their existing agreements for an additional five years from January 1, 1936.

All licenses are renewable under their exact present terms, except as to Stations WEAF, WJZ and WABC, the sustaining fees of each of which has been by agreement increased $25,000 per annum, effective January 1, 1936.

We shall be glad to receive the written request of any station for an extension of its present agreement as above provided for. All of such requests will be promptly covered by a brief rider to be attached to the present agreement, providing for the extension.

With all good wishes, we remain

Yours very truly,

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS
E. C. MILLS

PUBLISHERS QUIT ASCAP

New complications in the swift-moving music copyright situation arose this week when the firms of Harms, Witmark, New World Music, and Remick, controlled by Warner Brothers, notified radio stations that their agreements with the American Society of Composers, Authors and Publishers terminate on December 31, 1935, and that after that date stations would be required to obtain licenses from these publishers or face injunctive proceedings or damage suits. The letters followed signature of the NBC and CBS and Station WCAU with ASCAP for five-year extension of their present contracts and after the government suit against the Society was adjourned until November 4.

This action means that ASCAP will be without this important group of publishers after December 31, 1935.

What action these publishers will take with respect to the Government suit, in which they are named defendants, was not known.

MANAGING DIRECTOR UPHELD

Near the close of the meeting the Managing Director stated that the second letter of Mr. Levy, including the telegram from President Ward, addressed to the NAB membership stated that his act in sending Mr. Hostetler's letter to the membership was not an official act of the NAB. He asked that the Board either approve or disapprove his action. The Board unanimously approved the action.

SPENCE MAKES REPORT

E. M. Spence, chairman of the NAB Convention Committee, reported that reservations at the Broadmoor Hotel had exhausted all space at that hotel for the Convention and that the Antlers Hotel was caring for the overflow. He said that most of the set speeches for the meeting had been cancelled in order that adequate time would be provided for discussion of copyright and other important matters. This last minute change was desirable, he said, because it would be impossible to crowd into the sessions of the meeting all of the speeches previously planned and give ample time for members to discuss their mutual problems. In view of the lateness of the date, he said, it was virtually impossible to change the date of the Convention although he expressed regret at the fact that the Broadmoor Hotel was unable to take care of all delegates at the headquarters hotel.

ASCAP TRIAL ADJOURNED

The trial of the United States Government against ASCAP alleging violation of the Sherman anti-trust laws was postponed on June 20 until November 4. The recess came by agreement among counsel with Federal Judge Henry W. Goddard, who announced at the outset of the trial June 10 that he would have to move to the motions bench on July 1 and desired to have argument completed by that time.

At the time of adjournment William J. Benning, program director of WTMJ, Milwaukee, was on the stand. He had been asked to produce program records of WTMJ going back to 1922 and a delay of several days seemed inevitable before this data could be accumulated. It was agreed by counsel that a postponement was desirable, particularly since it was obvious that the government could not complete its case by July 1, when Judge Goddard would leave the bench.

There was little of particular import developed during the few days of the actual trial. Great numbers of exhibits were placed in the record by Nathan Burkan, chief counsel for ASCAP. Direct examination of witnesses called by Andrew W. Bennett, special assistant to the Attorney General, was comparatively brief, but the cross-examination by Mr. Burkan was lengthy.

On several occasions during the trial, Mr. Burkan referred to the five-year extensions which the networks and WCAU, Philadelphia, had negotiated with ASCAP on the eve of the trial's opening. He said there was no question of oppression or reasonableness of the charges for music involved in the suit, because several of the "most important units" of the industry had entered into the five-year extensions at a figure even higher than what they had paid before.

The first witness was Dr. C. B. Jolliffe, chief engineer of the FCC, who appeared June 12 and testified to the interstate commerce aspects of broadcasting.

The next witnesses were Raymond V. Robinson, chief of the catalog and index section of the Copyright Office, Library of Congress, and William P. Siegfried, clerk in the same office. They described the procedure followed in the registration of copyrights, numbers in the public domain, and similar routine data on copyright registrations.

Thomas Belviso, NBC music librarian, was then called and he sought to show, under examination by Mr. Bennett, that the station and the network cannot function without the ASCAP catalogue. Mr. Burkan objected to the testimony, and sought to bring out that broadcasters and other music users had available to them the catalogues of the SESAC, AMP, and Ricordi, as well as the public domain music.

The testimony of Richard Bannier, CBS musical librarian, came next. He explained how musical selections were cleared for network use, including restricted numbers, and testified also that it was impossible to build network shows without the use of ASCAP music.

Mr. Benning testified that WTMJ had endeavored to operate without ASCAP music and found it impossible to meet the public demand without it. WTMJ, he asserted, held numerous licenses from other copyright groups, but found that some 90 per cent of the music performed was from the ASCAP catalogue even after efforts had been made to eliminate ASCAP music.

Mr. Benning declared that a daily record of musical compositions performed on musical programs on WTMJ had been kept, and Mr. Bennett sought to get into the record a table showing the proportionate use made of ASCAP music. To this Mr. Burkan objected, and was sustained by Judge Goddard. This was down on the contention that the programs themselves were the best evidence of the use made of the music. Finally, the government agreed to produce the program logs of WTMJ on subpœna, and at the same time Mr. Burkan subpœnaed all of the program records of WTMJ from 1922 to date. It was then brought out that several days at least would be needed to gather this data, and following Mr. Bennett's visit to Washington the parties agreed in chambers with Judge Goddard for the postponement until November 4.

DUFFY BILL FAVORABLY REPORTED

The Senate Committee on Patents reported favorably to the Senate the Duffy Copyright Bill (S. 3047) which would eliminate from the present copyright laws the $250 statutory minimum damages for innocent infringement of music copyright.

The bill was considered by a subcommittee of the Senate Patents Committee consisting of Senator Homer T. Bone of Washington and Senator Wallace H. White of Maine.

The report deals with the subject of copyright groups and minimum damages in the following language:

"In regard to the infringement portions of the bill, the outstanding problem is that of statutory damages. Under the present law, for most types of literary and artistic works, an author or composer, whose rights have been infringed, is allowed a minimum of $250 without proving any actual damage from the infringement.

"The existence of such a provision, as well as some others of the remedial provisions, has a significance much larger than the mere matter of collecting damages. Producers and consumers of literary and artistic works make use of these provisions as bargaining points in their original contracts of purchase and sale. It is believed that such use goes far beyond what should be expected from the normal reliance of property owners upon the law to defend them against unauthorized uses of their property. Indeed, it is believed that both producers and consumers find their chief use for these provisions of law as aids to the ulterior purpose of endeavoring to extract better bargains in their dealings with one another. It is believed, further, that this constitutes the true reason why the producing and consuming interests exhibit such profound concern regarding them.

"The committee is firmly of the opinion that to eliminate the statutory minimum of $250 for infringement without proof of damage is to eliminate the chief factor in the use of the law for bargaining, sometimes for coercive purposes, between producers and consumers of copyrighted works. Moreover, since 1909, when the present law was enacted, the methods of using copyrighted works have developed with amazing rapidity. The range of the use of such works has correspondingly increased. A piece of copyrighted music may thus be publicly performed on a phonograph in a bootblack stand or on a broadcasting network covering the continent. For the law to attempt to fix a specified sum as minimum damages, in view of the breadth of this usage, would seem wholly unreasonable.

"Accordingly, entirely apart from the ulterior use of the minimum statutory damages under the present law, it is deemed necessary to make the change which the bill contains. This change does not lessen the value of the section so far as its purpose is concerned. That purpose is to accord a remedy for infringement, not a weapon under which the owners of copyright may stimulate the sale of their works.

"In place of the stated minimum, the bill provides that the courts shall award sufficient statutory damages to prevent infringement and such as may be just, proper, and adequate in view of the circumstances of the particular case. The maximum is fixed at $20,000, four times the amount specified in the present law. This seems appropriate in view of the vast increases in recent years in the value of copyrightable works.

"Producers of copyrighted works have been persistent in their assertion that this takes from them an essential remedy. The Committee on Patents believes that the reverse is true. So many palpable injustices have arisen from the present law that courts have acquired a dislike for handling such cases and have come to feel that the law is wrong. It is believed that, with the enactment of this provision of the bill, the courts will realize that the statute lays a foundation under which they can do justice and that they may be relied upon to utilize their full powers and abilities to such end.

"There would seem to be little doubt but that, given the opportunity, the courts will accept with enthusiasm the task of preventing infringement and that the cases which actually come before them will prove clearly that the authors and composers of the country are far better off than they were before. It may be noted in this connection that the provision of the bill is based upon confidence in the ability of the courts to pronounce justly between plaintiff and defendant. A stated minimum sum, fixed by statute, indicates distrust of the courts. Plaintiffs who start suits distrusting the courts are likely to have an equal distrust in the merits of their causes. It has been said that, in order to feel that he can bring suit for infringement, a poor author must be assured of a certain minimum of damages. If the use of the copyright work is worth anything at all to the user, the court must, under the terms of the bill, award something. Since it must award enough to stop such infringements, it must award at least enough to cover what infringement is worth to a user.

"The other remedial provision about which there has been important controversy is that of injunctive relief. Producers of copyrighted works claim that, unless full rights of injunction are accorded them, users of copyrighted works will pay no attention to their rights and will simply remunerate them in damages after having callously used their works in whatever manner was desired. Users of copyright work, on the other hand, claim that unless given a large exemption from the full implications of the law of injunction, they may be put to vast and unwarranted losses in cases that would be of small use to copyright owners and might, indeed, enable copyright owners to indulge in practices differing little from blackmail.

"For instance, a publication about to go to press might, under present law, be enjoined because of the appearance of a single small item which infringed some copyright. Or a radio broadcaster might be about to begin a program and have that program seriously interfered with through the deletion of some part in which, quite unknown to the broadcaster, claim of copyright existed. In such cases it is obviously better that the copyright holder should run the risk of some loss, which could in all cases be reimbursed in damages, than that the copyright user should be thus placed in jeopardy in the course of his business. Accordingly, the present bill reduces the injunctive remedy, but quadruples the maximum of statutory damages, and continues the present unlimited amount of damages recoverable when actually proved."

COPYRIGHT BILL IN HOUSE

Congressman Sol Bloom has introduced in the House a bill to amend the present copyright laws (H. R. 8557) which is a companion bill to the Duffy Copyright Bill which has just been reported favorably to the Senate. The Bloom bill has been referred to the House Committee on Patents.

COLORADO SPRINGS, JULY 7-10

The Thirteenth Annual membership meeting of the NAB will be held at Colorado Springs, Colo., July 7 to 10, inclusive.

The Convention Committee has been informed that all space in the Broadmoor Hotel has been reserved and that additional reservations will be taken care of at the Antlers Hotel in Colorado Springs. A program of entertainment for delegates and guests has been worked out by the local committee of Denver NAB members.

The Convention Committee made last-minute adjustments in the program for the meeting, reducing set speeches to a minimum, and allowing plenty of time for discussion for all topics to come before the meeting. Come prepared to participate in the discussions and take part in the actions of your Association. Remember this is a membership meeting, not merely a convention. And what is more, it is your meeting.

OFFICERS TO BE ELECTED

Election of officers will take place on the final day of the meeting. The terms of the following expire with the meeting:

Truman J. Ward, President; Lambdin Kay, First Vice President; C. W. Myers, Second Vice President; Isaac D. Levy, Treasurer.

The terms of the following expire at the meeting:

J. Thomas Lyons, I. Z. Buckwalter, Stanley E. Hubbard, Harold Wheelehan, Powel Crosley.

Philip G. Loucks, managing director since November, 1930, notified President Ward last May that he will not be a candidate for reappointment and this post must be filled by the Board of Directors at its reorganization meeting at the close of the meeting.

THE CONVENTION PROGRAM

A tentative program for the Colorado Springs meeting is as follows:

General Information

Registration desk will be open from 10:00 A. M. until 1:00 P. M. Sunday, and from 8:30 A. M. until 5:00 P. M. on Monday, Tuesday and Wednesday.

Registration fee $7.50 per person. Banquet tickets may be purchased at Registration Desk at $3.00 each.

Fifth Annual NAB Championship Golf Tournament will be held Sunday for *Broadcasting Magazine* Trophy. First foursome will tee off at 10:30 A. M.

All general sessions start promptly at 9:30 A. M.

WEAR YOUR BADGE AT ALL TIMES. IT IS YOUR TICKET TO ALL MEETINGS. WITHOUT IT YOU WILL BE DENIED ADMITANCE.

All motions and resolutions offered by delegates must be in writing and handed to the Presiding Officer after presentation.

Watch Bulletin Board for program of entertainment for Ladies.

Monday, July 8, 1935

9:30 A. M.

Call to Order.

Address of Welcome:

Hon. E. C. Johnson, Governor of Colorado.

Address of the President:

Mr. T. J. Ward, WLAC, Incorporated, Nashville, Tennessee.

Mr. Anning S. Prall, Chairman, Federal Communications Commission, Washington, D. C.

Television in America and Europe:

Mr. Andrew W. Cruse, Chief, Electrical Division, U. S. Department of Commerce.

Report of the Managing Director:

Mr. Philip G. Loucks, National Association of Broadcasters, Washington, D. C.

Appointment of Committees.

Announcements.

Adjournment.

Monday, July 8, 1935

2:00 P. M.

Call to Order:

Report of Commercial Committee:

Mr. Arthur B. Church, Chairman, Midland Broadcasting Company, Kansas City, Missouri.

Discussion.

Report of Special Committee on Trade Practices:

Mr. Alfred J. McCosker, Bamberger Broadcasting Service, Inc., New York, N. Y.

Discussion.

Report of Engineering Committee:

Mr. Joseph A. Chambers, Chairman, Crosley Radio Corporation, Cincinnati, Ohio.

Discussion.

Report of Legislative Committee:

Mr. Philip G. Loucks, Managing Director, National Association of Broadcasters, Washington, D. C.

Discussion.

Adjournment.

See Bulletin Board for announcements of Committee and group meetings.

Tuesday, July 9, 1935

9:30 A. M.

Call to Order.

Report by NAB Copyright Committee:

Mr. Alfred J. McCosker, Bamberger Broadcasting Service, Inc., New York, N. Y.

Discussion.

Report of Treasurer, Copyright Fund:

Mr. Isaac D. Levy, WCAU Broadcasting Company, Philadelphia, Pennsylvania.

Discussion.

Report of Mr. Joseph C. Hostetler, NAB Copyright Counsel.

Discussion.

Tuesday, July 9, 1935

No afternoon session scheduled.

Time open for golf, sightseeing, etc.

See Bulletin Board for Ladies Program.

6:45 P. M.

Annual NAB Banquet:

Presentation of Trophies to winners of Golf Tournament.

See Bulletin Board for special announcements of Committee meetings.

Wednesday, July 10, 1935

9:30 A. M.

Call to Order.

Report of Resolution Committee.

Report of Nominating Committee.

Election of Officers.

Installation of Officers.

Adjournment.

(The Convention Committee has arranged the program to allow adequate time for discussion of all important subjects. Watch Bulletin Board for special announcements.)

ABOUT TRANSPORTATION TO MEETING

Each year the NAB has secured convention rates for its delegates. This was not done this year in view of the fact that summer tourist rates in each instance are lower than reduced convention rates. Therefore, when you buy your ticket ask for summer tourist rates.

Here's some dope on railroad fare to Colorado Springs and Denver:

TO COLORADO SPRINGS AND/OR DENVER

From	16 Day Limit	45 Day Limit	Season Limit—Final Return Limit Oct.31
Washington, D. C.	$68.95	$75.75	
Wilmington, Del.	$71.05	$77.85	
Baltimore, Md	$68.95	$75.75	
Rochester, N. Y.	$60.70	$67.50	
Buffalo, N. Y.	$57.75	$64.55	
Newark, N. J.	$74.40	$81.50	
New York	$75.10	$81.90	
Philadelphia	$71.05	$77.85	
St. Louis	$30.10	$36.00	
Kansas City	$19.60	$26.50	
Little Rock	$33.00	$39.55	
Oklahoma City	$23.65	$28.35	
Memphis	$35.85	$43.00	
Cincinnati	$45.60	$51.50	
Cleveland	$49.55	$56.35	$60.65
Detroit	$46.50	$53.30	
Chicago	None	$34.20	
Dallas, Texas	$25.10	None	$30.10
New Orleans	$43.55		$52,25
Ft. Worth	$24.05		$28.85
Houston	$34.85		$41.55
San Antonio	$33.35		$40.00
El Paso	$26.05		$31.55
Los Angeles	None		$57.50
San Francisco	None		$57.50
Portland, Ore.	None		$57.50
Pittsburgh, Pa.	$55.30	$62.10	$62.10
Indianapolis	$41.20	$47.10	$49.71

NOTICE OF AMENDMENTS

June 24, 1935.

To all Members:

In pursuance of the provisions contained in Article IX and By-Law 17 of the Constitution and By-Laws of the National Association of Broadcasters, Inc., notice is hereby given that certain amendments to the Constitution and By-Laws of the National Association of Broadcasters, Inc., as hereinafter described, will be presented for consideration at the annual membership meeting in Colorado Springs, Colo., on July 10, 1935.

The Board of Directors, at a formal meeting held on June 22, 1935, by unanimous agreement proposed the following amendments to the Constitution and By-Laws of the National Association of Broadcasters, Inc.:

1. Article III, Section (a)

   Strike out all of the section and insert the following in lieu:

   "(a) The membership of this Association shall consist of—
   (1) Any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station, to be known as an ACTIVE MEMBER.
   (2) Any person, firm or corporation associated with radio broadcasting, to be known as an ASSOCIATE MEMBER."

2. Article V, Section (b)

   Line 2—Insert after the word "the" and before the word "members" the word "active."

3. Article V, Section (c)

   Line 1—Insert after the word "the" and before the word "members" the word "active."

4. Article VII

   Line 2—Insert after the word "five" and before the word "members" the word "active."
   Line 3—Insert after the word "the" and before the word "membership" the word "active."
   Line 6—Insert after the word "ten" and before the word "members" the word "active."

5. By-Law 1, Section (a)

   Line 1—Insert after the word "dues" and before the word "shall" the words "of active members."

6. By-Law 1, Section (b)

Strike out all of the section and insert the following in lieu:
"(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance."

7. By-Law 3, Section (b)

Line 3—Insert after the word "the" and before the word "members" the word "active."

8. By-Law 4, Section (a)

Line 2—Insert after the word "to" and before the word "membership" the word "active."

9. By-Law 4, Section (b)

Insert after the word "Each" and before the word "member" the word "active."

10. By-Law 5, Section (a)

Line 2—Insert after the word "the" and before the word "membership" the word "active."

Line 5—Insert after the word "the" and before the word "members" the word "active."

Philip G. Loucks,
Managing Director.

CONGRATULATIONS TO MR. MORENCY

Mr. Church stated that he was planning a visit to Paul W. Morency, former NAB vice president and member of the Board, who has recovered from a long period of serious illness. The Board adopted unanimously a resolution requesting Mr. Church to express to Mr. Morency its best wishes upon his recovery.

CODE COMMITTEE APPOINTED

The Board gave consideration to the situation which grew out of the Supreme Court's decision holding the NRA unconstitutional. The Board directed the President to appoint a committee to devise ways and means by which the advantages which accrued from the NRA code may be retained and instructed the committee to report at the Colorado Springs Convention.

President Ward appointed the following Committee: A. J. McCosker, chairman; John Shepard, 3d, Arthur B. Church, E. A. Allen, and Stanley Hubbard.

RULE 176 DEBATED BEFORE FCC

The Broadcast Division of Federal Communications Commission on June 20th heard argument on Rule 176. The World Broadcasting System, who had petitioned the Commission for a change in Rule 176 so as to permit the broadcasting of electrically transcribed programs without the requirement of announcing each separately recorded number used to make up the program, was supported by other interests representing electrical transcriptions and by several broadcasting stations. At the same time strong representations were made to the Commission in behalf of local stations that the same relief should be accorded all recorded programs, including phonograph records. The idea that all recorded programs could be presented with an announcement before and after the program and, in any event, each fifteen minutes, without deceiving the listeners, was vigorously prosecuted.

Arthur B. Church, Chairman of the Commercial Committee of NAB, appeared for the Association and offered the resolutions adopted at the last membership meeting on the subject of electrical transcriptions.

It was represented on behalf of local stations that Rule 176 should be amended to read:

"Each licensee shall make a clear and concise announcement at the beginning of every program as to the use therein of any mechanical reproduction, phonograph record, electrical transcription or other recording, unless the use thereof is merely incidental as for identification or background."

MARMOLA COMPLAINTS WITHDRAWN

The FCC on June 19 removed from the hearing docket sixteen broadcasting stations cited to appear before the Broadcast Division on October 3, 1935, to prove they are operating in the public interest. WBAP, whose facilities are being requested, was excepted.

These stations were in the group of twenty-one reported to have carried a program entitled "Marmola," an alleged fat reducing preparation, condemned by the Federal Trade Commission, the Post Office Department, and the Supreme Court.

Upon further consideration and review of the technical and service records of these stations the Commission decided to remove them from the hearing docket and grant regular renewal licenses. Evidence was also submitted to the Commission showing that these stations carried the program in question for very short periods, discontinued it after receiving complaints or when informed the Commission had received complaints, and no other comparable programs were carried.

The sixteen stations removed from the hearing docket on this issue were: WGAR, Cleveland, Ohio; WHEC, Rochester, N. Y.; WIOD-WMBF, Miami, Fla.; WIRE, Indianapolis, Ind.; WKBW, Buffalo, N. Y.; WBAP, Fort Worth, Texas; WBAL, Baltimore, Md.; WGR, Buffalo, N. Y.; WHO, Des Moines, Iowa; WIND, Gary, Ind.; WJAS, Pittsburgh, Pa.; WJJD, Chicago, Ill.; WJR, Detroit, Mich.; WOW, Omaha, Nebr.; WOWO, Fort Wayne, Ind.; and KMOX, St. Louis, Mo.

The five stations left on the hearing docket are: WSMB, New Orleans, La.; WTMJ, Milwaukee, Wis.; KFRC, San Francisco, Calif.; KMBC, Kansas City, Mo.; and KNX, Los Angeles, Calif.

These stations not only carried the "Marmola" programs but have been cited for violating various Rules and Regulations of the Commission. Some of them also carried other medical programs condemned by the Federal Trade Commission.

TEXAS STATION RECOMMENDATIONS

The Centennial Broadcasting Corporation sought authority to construct a new broadcasting station at Dallas, Texas, to use 1200 kilocycles, 100 watts power, unlimited time operation.

The Dallas Broadcasting Company requested permission to construct a new station also at Dallas on 1500 kilocycles, 100 watts power, specified hours of operation. The Paris Broadcasting Company asked permission to erect a new station at Paris, Texas, to use 1500 kilocycles, 100 watts power, daytime operation.

Station KGKB, Tyler, Texas, using 1500 kilocycles with 100 watts power, specified hours, asked to operate continuously during the daytime and from local sunset to 8 p. m.

Ralph L. Walker(e) in Report No. I-64 recommends that the application of the Centennial Broadcasting Company be denied; that the application of the Paris Broadcasting Company be granted; that the application of Station KGKB be granted; that the application of the Dallas Broadcasting Company be granted for daytime operation and evening hours from 8 p. m. to midnight but the application be denied regarding the use of the time from 6 to 7 p. m.

WCAE POWER INCREASE RECOMMENDED

Application was filed with the Federal Communications Commission by Station WCAE, Pittsburgh, Pa., asking that its power be increased for daytime from 1,000 to 5,000 watts.

George H. Hill(e) in Report No. I-63 recommends that the application be granted. The Examiner found that there is need in the Pittsburgh area for the increased daytime power requested; that no objectionable interference would be caused by the daytime power increase and that it would be in the public interest.

RECOMMENDS KALE APPLICATION DENIAL

Station KALE, Portland, Ore., applied to the Federal Communications Commission for permission to operate full time on 1250 kilocycles with 500 watts power. The station operates on a frequency of 1300 kilocycles with specified hours on the air.

John P. Bramhall(e) in Report No. I-62 recommends that the application be denied.

The Examiner found that the area is already covered with sufficient radio service and that the granting of the application would result in an increase of broadcast facilities in an already over quota state and zone.

APPLICATION WITHDRAWN

D. A. Wark and H. H. Hadstrom filed a petition with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Twin Falls, Idaho, to use 1500 kilocycles, 100 watts power and unlimited time on the air.

In Report I-65, John P. Bramhall(e) recommended that the application be dismissed without prejudice. At the hearing counsel for the applicants asked leave to withdraw the application.

NAB COMMERCIAL SECTION MEETS

A strong endorsement of the value of broadcast advertising by prominent retailers, hearty praise for the cooperation accorded the Federal Trade Commission by radio stations, and a demand for more standardized coverage and listener data on the part of broadcasters, agencies and advertisers, were the principal features of interest at the meeting of the NAB Commercial Section held in Chicago, June 10 and 11, in conjunction with the annual convention of the Advertising Federation of America.

The Monday morning session on retail broadcast advertising revealed much information of greatest value to broadcasting. Dr. Herman S. Hettinger, Director of Research of the NAB, reported a growing interest in retail radio advertising and stated that retail broadcasting during the first quarter of 1935 was 48.5% greater than during the same period of the preceding year.

Marvin Oreck, vice president of Oreck's Inc., Duluth department store, stated that after having been skeptical as to the value of radio, it was now his opinion that even the broadcasters did not know the extent of the sales power possessed by their medium. He stated that in his opinion, as high as 25% to 30% of the store advertising budget could profitably be expended over the radio.

Kenneth Taylor, Vice President and Advertising Manager of the John Taylor Dry Goods Company, Kansas City, Mo., stated that radio had enabled his store to sell their store brand hosiery in successful competition with three national brands in spite of the former being the higher priced article. He also indicated that the store's out-of-town business had grown especially rapidly in recent months, and attributed this to the influence of radio.

George Bijur, former advertising executive with the Macy Store, New York, and now Director of Sales Promotion of the Columbia Broadcasting System, indicated that tests both by that store and Bamberger's indicated that the cost of promoting special items over the radio was only 60% of the cost involved in the use of newspaper advertising.

The Hon. E. J. Adams, Chairman of the Special Board of Investigation of the Federal Trade Commission, speaking before the Tuesday morning meeting, highly praised the broadcasters for their cooperation with the Commission, and stated that the record of broadcasting was such that no radio station had been cited thus far by the Commission. He indicated the need for continuous vigilance in the self-regulation of advertising by the stations themselves, stating that the Commission was ready to cooperate with them in every way possible.

Standards of radio advertising copy, the need of standardized coverage and listener data, and the need of an agency recognition system for broadcasting were the main features of discussion at the Tuesday morning meeting.

Z. L. Potter, Executive Vice President of Erwin Wasey & Co., cited five items of information desired by the advertiser: (1) Potential audience, in the sense of the number of radio families within the station range; (2) The audience for stations in a given area; (3) Listeners at various hours of the day; (4) The audience commanded by different types of programs, and (5) The size of the audience which the advertiser's program commands.

John Benson, President of the American Association of Advertising Agencies, characterized broadcasting as "the most intimate appeal that advertising can make to the consumer, endorsed radio's attempt to raise its copy standards, and suggested that even more important than the limitation of copy, was the knowledge of the most effective means of presenting the copy used.

Harlow Roberts, advertising manager of the Pepsodent Co., stated that the outstanding need of radio was a counterpart of the ABC whereby standard coverage and listener data might be afforded the advertiser.

Broadcaster interest in the various problems discussed at the two scheduled meetings was so great that a special meeting was held on Tuesday afternoon. The meeting was attended by approximately 50 station executives and advertisers and was presided over by Fred A. Palmer, WBNS, Columbus, Ohio. Standard coverage and listener data constituted the principal subject of discussion.

The NAB Commercial Committee met on Tuesday afternoon. In addition to examining and discussing a system of agency recognition developed during the past several months, a sub-committee comprising J. O. Maland, WHO, Des Moines, Iowa; I. R. Lounsberry, WGR-WKBW, Buffalo, N. Y., and John Elmer, WCBM, Baltimore, Md., was appointed to consider amendments to the NAB Code of Ethics and to report at the first Commercial Committee meeting to be held prior to the NAB Convention.

Attendance at the various meetings was particularly encouraging, the average for the two scheduled sessions being approximately 135 persons.

The full proceedings of the Commercial Section meetings will be published and made available to the membership.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2278. James M. Marner, trading as Dispensary Supply Company, New York City. The Commission has issued an order against the respondent requiring that he cease and desist from representing "Dr. McCaskey's Prescription Tablets" as a remedy or a competent or adequate treatment for overweight. The respondent also is directed to discontinue asserting that by use of this preparation a person can reduce a definite number of pounds or without diet or exercises.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them:

No. 2393. Harry Schliftman, New York City, trading as the Eagle Supply Co. The respondent is charged with having sold paint labeled as "Manufactured by Masterkraft Co., Brooklyn, N. Y.," when the company name is fictitious. Hearing June 21.

No. 2401. N. R. Baskin, Chicago, trading as American Radio Co., American Novelty Co., and American Radio and Novelty Co. The respondent is charged with selling to wholesalers, retailers and distributors merchandise so arranged as to involve the use of a lottery or game of chance when resold and distributed to ultimate purchasers.

No. 2414. O. F. Schoeck, Alton, Ill., trading as O. F. Schoeck School. The respondent is charged with inserting want ads in newspapers asking for "clean-cut young men, mechanically inclined to train for high salaried positions," and for "young women" with some knowledge of shorthand and typing to train for secretarial positions," when in fact the advertisements were to induce readers to answer them in belief that they would obtain positions and to give the respondent's salesmen an opportunity to induce them to buy the course of study in the belief that they would be given jobs, although such jobs were not available. Hearing June 28.

No. 2415. Louise Norris, Kansas City, Mo., trading as the Louise Norris Co. Although advertised as safe and harmless, the "Louise Norris Permanent Lash and Brow Coloring," according to the complaint, is not safe and harmless, but contains dangerous drugs or chemicals and its use as directed may result in inflammation or poisoning of the skin and other troubles, and may cause blindness or death.

Contrary to the respondent's advertisements, the complaint says that this preparation is not scientific and is not approved by the United States Government or boards of health nor have medical authorities of high repute helped to perfect it.

No. 2399. Conde Nast Publications, Inc., of New York City, is charged with unfair competition in a Federal Trade Commission complaint alleging that the respondent entered into a combination and agreement with selected manufacturers and retailers in various parts of the country for sale of certain women's garments featured in *Vogue* magazine, published by Nast.

This is the first complaint of its particular kind to be issued by the Commission. The principal charges are that the publishing company's practices have a tendency to mislead and deceive its readers into believing that its research and recommendations as embodied in certain published articles are disinterested, also to deprive the public of the benefits of normal price competition among retailers by constraining the latter to sell at prices arbitrarily fixed by the publisher and certain manufacturers.

Also, the publisher's action is alleged to have caused manufacturers to limit the choice of retail dealers in each locality to those selected by respondent, thus depriving the public of the benefits of competition among a number of dealers in each locality.

According to the complaint, the *Vogue* publishers entered into contracts with various dress and garment manufacturers that *Vogue* should choose models of women's wearing apparel from the model lines of these manufacturers for featuring in the magazine's departments called "Vogue Smart Economies" and "Vogue's Finds of the Fortnight." The complaint says that for such featuring of models the manufacturers agree to pay the publication company a service fee of 5 per cent of the amount collected on each sale of reproductions of the models chosen by the publisher to be featured. The manufacturers agree not to make or sell any other garment similarly designed.

The complaint says the respondent also made agreements with certain retailers throughout the country who feature and sell these garments. The magazine publishes their names, the complaint says, and agrees to furnish a list of these selected retailers to the manufacturers with whom it enters into contracts, the manufacturers agreeing to sell only to the retailers in a given community so listed.

Retailers signing contracts with the Nast publications agree to purchase a minimum of one of each garment featured in every issue of *Vogue* and to maintain the retail price thereof quoted in *Vogue* for at least one month after the on-sale date of the magazine issue in which they are shown, according to the complaint. The publisher is alleged to have agreed that for at least two months after delivery of model garments to selected retail stores they shall not be sold by the manufacturers to any other store in the selected retailer's city, except under the same terms as between the selected retailer and the respondent.

The complaint says that experts from *Vogue* magazine visit various manufacturing establishments to select designs to be featured and require that manufacturers alter them to meet the demand of the respondent publisher. Hearing June 28.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0862. Cleveland Regol Company, Cleveland, O. The Cleveland firm agrees to stop advertising that its medicine "Regol" is a competent or effective treatment for liver trouble, unless the representations are limited to functional disorders of the hepatic glands of the liver; for indigestion, unless limited to intestinal indigestion due to lack of bile; or for gas, unless limited to gas in the intestine due to intestinal indigestion. It will also no longer advertise that the preparation will afford permanent relief and has been effective in cases where operations have produced no benefits.

No. 0863. King's Better Vision Institute, Los Angeles, Calif. The respondent company has agreed to cease advertising that its course is capable of correcting wrongly shaped eyeballs, nearsightedness, farsightedness and other eye troubles and that the course is the outgrowth of thirty years of scientific research. It will no longer represent that use of "Eyezone" will change the shape of the eyes and prevent the need of glasses, or that the use of the "Spineometer" affords a competent remedy for various organic troubles.

No. 0864. Dermalov Laboratories, Inc., New York City. The company agrees to discontinue asserting that either of its preparations "Dermalov Liquid" or "Dermalov Scalpfood" will "grow" hair or cause scalp or skin defects to disappear.

No. 1377. Reefer-Galler, Inc., New York City. Selling and distributing a preparation said to have been made formerly of cedar and pine oils and later of cedar oil, designated "Reefer's No-Moth," this company agrees to cease and desist from using on labels and cartons representations to the effect that the product, when used as directed in the ordinary home clothes closet, will kill or prevent months or moth life or afford protection to clothes within such closets for twelve months or other period of time. The company will no longer assert that the product is effective in a space as large as 75 cu. ft., and will discontinue use of the hyphenated words "No-Moth" so as no longer to imply that the preparation, when used in clothes closets, will drive away moths.

No. 1378. Indiana Steel & Wire Co., Muncie, Ind. The company has entered a stipulation with the Federal Trade Commission to discontinue the use of misleading representations in the sale of its clothes line wire. The company agreed to cease using the expression "75 ft." on tags or brands attached to its products when they do not contain 75 running feet of wire.

No. 1379. Central Leather Co., Chicago. Luggage of the Gladstone type sold by the company will no longer be marked or branded as "genuine" cowhide" when it is not made of leather which may be properly represented as such, under a stipulation entered into by this company and the Federal Trade Commission. The leather company agreed not to stamp these words on its luggage when it is not composed of leather made from the top or grain cut or layer of the cowhide. Provision is made for use of the word "cowhide" properly qualified when the products are composed of leather made from the inner or flesh cut of the hide.

No. 1380. Thomas Hodgson & Sons, Inc., Concord, N. H., owner and operators of the Concord Worsted Mills. The respondent will cease and desist from using the word "silk" as a brand or label for products not made in the whole or substantial part of silk.

No. 1381. William A. Friend, Chicago, trading as Little & Company. The respondent agrees to cease advertising that its product, a dehydrated vegetable compound in tablet form, will remove worms or is a killer or preventive of worms in dogs.

Commission Orders Upheld

The Federal Trade Commission has been formally advised of two U. S. Court of Appeals decisions upholding its orders to cease and desist, relating to misrepresentations of medicinal preparations known as "Ironized Yeast", "Kruschen Salts", and "Radox Bath Salts."

The "Ironized Yeast" case was decided by the United States Circuit Court of Appeals, Sixth Circuit, Cincinnati, having arisen on petition for review by J. G. Dodson and Mrs. C. M. Dodson, of Atlanta, trading as Ironized Yeast Co., against whom the Commission had issued an order to cease and desist.

The Court affirmed the Commission's order without opinion except the comment that the Commission's findings of fact were "amply supported by evidence" and "legally sufficient to authorize" issuance of the cease and desist order.

Among representations prohibited by the Commission's order were allegations that Ironized Yeast will cure or relieve indigestion, constipation, nervousness, tired feeling or skin eruptions, except when such conditions result from a deficiency of vitimin B or iron or both, and that it will free users thereof of such diseases overnight. Other assertions banned were that Ironized Yeast is more effective than yeast and iron used separately and that persons deficient in shape or form will be transformed into well developed persons by its use, unless such representations are limited to improvement in health resulting from increased appetite and gain in weight where such persons have been deficient in vitamin B or iron or both.

The "Kruschen Salts" case was decided by the United States Circuit Court of Appeals, Second Circuit, New York City. It arose on petition for review filed by E. Griffiths Hughes, Inc., of Rochester, N. Y. The Court affirmed the Commission's cease and desist order against Hughes, Inc., and in its opinion discussed the findings and evidence at length, reaching the conclusion that the findings were supported by the evidence.

The order to cease and desist prohibited representations that "Kruschen Salts" constitutes a cure or remedy for obesity or that it will of itself reduce excess fat". Representations were also prohibited to the effect that "Radox Bath Salts" has therapeutic value when used in the bath; that it releases great quantities of oxygen when so used; that its use at home combines the properties of world famous spas or produces the effects of treatment at such places; that it stimulates or energizes the body, or that it is imported from England."

Cease and Desist Orders

Cease and desist orders have been issued against the following companies by the Commission:

Nos. 1950, 2187, 2188, and 2212. Universal Theatre Concession Co., Bob Hofeller Candy Co., and Union Concession Co., Chicago, and the Gordon Howard Co., Kansas City. The respondents are specifically enjoined from the sale of candy by methods which involve lottery, gaming device or gift enterprise through distribution to concessionaries and operators in various places of amusement. In the Universal Theatre Concession and Gordon Howard matters, consent decrees were issued.

No. 2275. Puritan Stationery Co., Philadelphia, Pa. The respondent is ordered to cease and desist from advertising and labeling its "Ambassador Linen" or any other stationery by use of the words "rag content" unless in fact such paper and stationery is manufactured with a rag content of not less than 25 per cent.

No. 2292. Southern New York Candy Distributors, Binghampton, N. Y. A consent decree has been issued directing the association and its officers to discontinue among themselves or with others to prevent competing candy firms from obtaining merchandise from manufacturers. The publication of so-called "white lists" of recognized dealers, and the fixing of uniform sales prices are among the matters prohibited.

No. 2328. Sarah R. Grossman, New York City, trading as Eyesight Normalizing Co., and Sasha R. Grossman, alias Alex R. Grossman. The respondents are ordered to discontinue representing that the device sold by them will enable anyone to "throw away glasses", or will cure or correct far-sightedness, astigmatism or other ailments and that it is a revolutionary, scientific discovery.

No. 2360. Dixie E. Boyer, Belmont O. The respondent is to stop designating cigars as "Hand-Made" unless this is so; as "Perfectos Habanas" unless they are made from Cuban tobacco, and as "Wheeling Twins" unless they are made in Wheeling W. Va.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2386. Excelsior Silverware Corporation, New York City. The respondent is charged with the use of "Sheffield Reproductions" in such a manner as to deceive the buying public into the erroneous belief that the products advertised are of a quality and workmanship associated with Sheffield silver, when this is not the case.

Nos. 2421, 2422, 2423, 2424. Grove Distillers & Wine Co., Inc., Jersey City, N. J.; Columbia Distilling Co., Tonkin Distilling Co., and Old Abbey Distilling Co., San Francisco, International Distilling & Distributing Corporation, Washington, D. C., and Sunrise Distilling Corporation, Chicago. Unfair competition is alleged through the use of the word "Distilling" when in fact these companies are not distillers.

Dismissal of Complaints

The Commission has dismissed a complaint charging the Market Gardners' Seed Co., of Cincinnati with unfair competition in the sale of agricultural seed to retail dealers, as well as those against the Alexander Smith & Sons Carpet Co., Yonkers, N. Y. and W. & J. Sloane, New York City, alleging unfair competition in the sale of carpets.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0852. Gem Products Sales Co., Camden, N. J. The company has agreed to cease asserting that by the use of its preparation clothes can be laundered without rubbing or scrubbing, or can be soaked clean, that dirt, grime and grease spots disappear as if by magic, or that the preparation will add strength to clothes or will prevent woolens or flannels from shrinking.

No. 0865. Dr. Hunter Laboratories, Little Rock, Ark. The company agrees to discontinue representing that its preparations, "Dr. Hunter's Rational Treatment for Epilepsy" are a competent treatment thereof, unless the statement is qualified to indicate that the product will do no more than lessen the severity or frequency of epileptic attacks.

No. 0866. Grove Laboratories, Inc., St. Louis, Mo. The company's product, "Grove's Laxative Bromo Quinine Tablets" no longer will be advertised by any of the following representations: That Bromo Quinine goes right to the seat of the trouble; that it is a cold remedy, or that it has been the standard cold and grippe tablet of the world.

COLONEL, IF YOU PLEASE?

Philip G. Loucks, managing director of the NAB, has been appointed a colonel on the staff of Governor Ruby Laffon of Kentucky. To L. B. Wilson, WCKY, who recommended the appointment, the managing director expresses his thanks. It was like sunshine on a dismal day.

NEW RADIO BILL

Representative Monaghan of Montana has introduced a bill in the House (H. R. 8475) "to amend the Communications Act of 1934 by creating and establishing a Federal Radio Commission and for other purposes." The bill has been referred to the House Committee on Interstate and Foreign Commerce.

It provides for the setting up of a Commission "free from monopolistic domination and control" and provides further that this Commission "shall have exclusive control and shall exclusively operate such radio broadcasting stations, in such localities and communities, as in their judgment will best serve the interests of all our people."

It is further provided in the bill that "the Commission shall provide such radio programs, as in, their judgment, will best promote the educational, cultural, civic, and economic interests of all of our people irrespective of locality."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: Edward G. Budd Manufacturing Co., Philadelphia, Pa. (2-1474, Form A-2); Schrader Trust, Oklahoma City, Okla. (2-1475, Form A-1); Rio Grande Valley Gas Co., Mt. Vernon, Ohio (2-1476, Form D-1A); Rio Grande Valley Gas Co., Mt. Vernon, Ohio (2-1477, Form E-1); B. E. Hepler et al., New York City (2-1478, Form F-1); Bondholders' Protective Committee for Travis Investment Co., St. Louis, Mo. (2-1479, Form D-1); Payore Gold Mines, Ltd., Toronto, Canada (2-1480, Form A-1); Securities Investment Corp., Omaha, Nebr. (2-1481, Form A-2); Richfield Cariboo Gold Mines, Ltd., Vancouver, B. C. (2-1482, Form A-1); Orkem Corporation, Dover, Del. (2-1483, Form A-1); Elfun Trust, New York City (2-1484, Form A-1).

APPLICATIONS RECEIVED

NEW—National Television Corp., New York, N. Y.—Construction permit for visual broadcast station on **42000-56000**, and **60000-86000 kc.**, 30 watts power, unlimited time.

NEW—American Broadcasting Corp. of Ohio, Cleveland, Ohio.—
890 Construction permit to erect a new station to be operated on **890 kc.**, 500 watts, 1 KW day, unlimited time, facilities WMMN. WMMN consented to this request if their application for change in frequency is granted. Amended to make equipment changes, approval of transmitter site near Brooklyn, Cleveland, Ohio.

KHSL—Wm. Schield, Sydney R. Lewis, and Harold Smithson,
950 Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Voluntary assignment of license from Wm. Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., to Golden Empire Broadcasting Co.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Con-
1140 struction permit to erect a new station to be operated on **1140 kc.**, 250 watts, daytime.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer,
1200 Mich.—License to cover B2-P-411 to make equipment changes and increase power from 100 watts to 100, 250 watts day.

KROC—Southern Minnesota Broadcasting Company, Rochester,
1310 Minn.—Modification of B4-MP-180, a construction permit as modified for approval of transmitter site at east of State Highway No. 20 and north of 2nd St. N. W., Rochester, Minn. Amended: Antenna changes; approval of transmitter site west side of Highway No. 52, Rochester, Minn.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Modifica-
1310 tion of B3-P-163 to make equipment changes, antenna, tubes in last radio stage.

KGBX—KGBX, Inc., Springfield, Mo.—Modification of special
1310 authority B4-MSA-19 to make equipment changes.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification
1370 of license to change hours of operation from daytime to daytime plus local sunset to 9:15 p. m., EST, Sundays; operate on 100 watts on Sunday night.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of
1380 license to change frequency from **1380 kc.** to **890 kc.**, time from simultaneous day with WSMK, specified hours night to unlimited; facilities of WMMN.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Con-
1400 struction permit to make equipment changes, increase power from 500 watts, 1 KW day, to 5 KW day and night.

KFIZ—The Reporter Printing Co., Fond-Du-Lac, Wis.—Modifica-
1420 tion of license to change present specified hours from 10 a. m. daily to 1 p. m. and 4 p. m. to 10 p. m., to daily, 9 a. m. to 1 p. m. and 4 p. m. to 10 p. m.

NEW—A. Stanhart Graham, E. V. Baxter, Norman Baxter, d/b as
1500 Pittsburgh Broadcasting Co., Pittsburgh, Kans.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited. Amended to change frequency to **1500 kc.**

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction
1500 permit to make equipment changes.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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DUFFY COPYRIGHT BILL OVER

The Duffy Copyright Bill, which would eliminate $250 statutory minimum from the law, came up for consideration in the Senate June 25 but went over, Senator Duffy of Wisconsin serving notice upon the Senate that he will call up the bill at an early date.

Senators Wagner and Copeland of New York objected to consideration of the measure and Senator Vandenberg of Michigan said he would offer amendments to the bill when it came up for action.

With the Congress hurrying through the program outlined by the President and aiming at early adjournment, every effort must be made to have the bill taken up in the Senate at an early date. The broadcasting industry should stand solidly back of Senator Duffy in his efforts to have the bill enacted.

Following is the discussion in the Senate on the bill:

The bill (S. 3047) to amend the act entitled "an act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, and for other purposes, was announced as next in order.

"Mr. Wagner: Mr. President, I ask that the bill go over.

"Mr. Copeland: Mr. President, I desire to ask the Senator from Wisconsin (Mr. Duffy) a question about the bill.

"Mr. Wagner: I am objecting to its present consideration.

"Mr. Copeland: I am glad my colleague is objecting, but I should like to ask the Senator from Wisconsin a question about it.

"Mr. Duffy: Mr. President, will the junior Senator from New York (Mr. Wagner) withhold his objection a moment?

"Mr. Wagner: I ask that the bill go over today.

"Mr. Duffy: I have sat here and let the Senator from New York proceed day after day by unanimous consent, and I am willing to continue doing it. I merely ask him to withhold his objection a moment.

"Mr. Wagner: Does the Senator desire to explain the bill?

"Mr. Duffy: In the first place, the senior Senator from New York (Mr. Copeland) desires to propound a question and I want to make a very brief statement about the bill.

"Mr. Wagner: There is no objection to that at all.

"The Presiding Officer: The objection is withheld temporarily.

"Mr. Copeland: Mr. President, I should like to ask the Senator whether extensive hearings were held on the bill and if all parties in interest had an opportunity to present their views regarding it?

"I ask the question because I am quite overwhelmed with protests from my State against the bill. There seems to be a feeling that it will work a great injustice; that it will deny to American authors certain rights to which they feel they are entitled, and that it is not a good bill and ought not to be passed. I do not profess to have any knowledge of it at all and I am simply reciting to the Senator what is coming to my desk in the way of protests.

"May I ask the Senator what has been done about the matter?

"Mr. McAdoo: Mr. President, will the Senator from Wisconsin yield?

"The Presiding Officer: Does the Senator from Wisconsin yield to the Senator from California?

"Mr. Duffy: I yield.

"Mr. McAdoo: Mr. President, this bill came before the Committee on Patents. While that committee did not hold extensive hearings, it had a number of conferences with representatives of the various interests affected by the bill. The matter has been under discussion for a long time between the State Department and the Patent Office; and the Senator from Wisconsin (Mr. Duffy) has been particularly in touch with the various negotiations, in the effort to see if a bill could not be framed which would satisfy the many conflicting interests. There are many complex questions involved. They are not easy to settle, and certainly the differences are not easy to reconcile.

"There have been, heretofore, extensive hearings in the House; and those hearings, of course, were available to the Senate committee. I have asked the Senator from Wisconsin (Mr. Duffy) to take charge of the discussion on the floor, because he is more familiar with the bill than am I, since lately I have been necessarily engaged in the Banking and Currency Committee to such an extent that I have not been able to give the matter as much time as the Senator from Wisconsin has been good enough to give it. The Senator from Wisconsin is not on the Patents Committee, but he introduced the bill; and for that reason I will ask him to take charge of it on the floor.

"Mr. Duffy: Mr. President, I will say to the Senator from New York that I was chairman of the subcommittee of the Foreign Relations Committee which had hearings on the question of the adherence of the United States to the International Copyright Union. In a very large measure this bill is an enabling act. The Copyright Union Treaty, or convention, was reported to the Senate by the Foreign Relations Committee and is now on the Executive Calendar, although we had a gentleman's understanding that it would be held on the calendar until the present bill could receive consideration by the Senate.

"In the meantime, after the Foreign Relations Committee had held hearings where the various conflicting interests appeared, at the request of the Foreign Relations Committee an informal interdepartmental committee was formed, consisting of two members from the Copyright Office, two members from the Department of State, and one member from the Department of Commerce. They had 25 or 26 different conferences with all the various conflicting interests; and this bill is largely the result of the 25 or 26 conferences, where all parties had a chance to be heard.

"I will say that authors will gain a great deal by adherence of the United States to the International Copyright Union. There is in this particular bill, however, one matter to which authors object; that is, we have eliminated the provision for $250 minimum statutory damages, which has been made a racket in this country by the organization familiarly known as the 'ASCAP,' the American Society of Composers, Authors, and Publishers. The United States Government is now conducting a prosecution against that organization in a case which, I understand, was commenced in New York last week. The authors do object because the minimum of $250 statutory damages has been eliminated. On the other hand, the maximum has been largely increased, from $5,000 to $20,000, and the courts will give the authors full protection, but they will not be able to go into a bootblack stand or a little pool hall somewhere and hold up the proprietor for $250 as a minimum if this bill shall become a law.

"There are many things in the bill which the authors very much desire, and of which they are very much in favor. Because the treaty is on the Executive Calendar, although it was ratified and then, at my request, restored to the calendar by unanimous consent, and because of the coming conference of the International Copyright Union, I am going, as soon as possible, to ask for consideration of this bill by the Senate. I cannot do so today in view of the objection which will be made by the junior Senator from New York (Mr. Wagner).

"Mr. Copeland: Mr. President, if the Senator from Wisconsin will permit me to make a statement, I hold in my hand a telegram from John Erskine, one of the most popular writers of the day; and I had a similar message from Gene Buck, who is at the head of the music writers.

"Mr. Duffy: He is the head of 'ASCAP.'

"Mr. Copeland: Mr. Erskine, in his telegram, says:

> " 'I sincerely hope you will oppose copyright bill S. 3047. The bill gives foreign authors basic copyright without formality, but denies it to American authors. The bill seems to protect chiefly the commercial enterprises which live on the authors.'

"Of course, I am not competent to judge the merits of the matter; but I assume that the Senator will not press the bill today, and that we shall have an opportunity to look into it.

"Mr. Duffy: I think that should be done; but I desire to give notice that as early as possible I shall try to have the bill considered by the Senate, because we are holding up the Copyright Union treaty until this bill can receive consideration by the Senate.

"Mr. Wagner: Mr. President, if the bill is a meritorious one, of course, I have no desire to delay its consideration. I have received protests from a number of people in New York in whom I have very great confidence, who tell me that the bill is unfair to their profession. I did not, of course, wish to be discourteous to the Senator in making the objection. I thought he had in mind persuading me to withdraw my objection.

"In view of these protests, not having had an opportunity to study the bill in detail, I shall have to press my objection today. I will confer with the Senator a little later on.

"Mr. Vandenberg: Mr. President, before the bill goes over, I ask leave to offer a series of amendments to it, so that they may be pending when the bill comes back.

"The Presiding Officer: The amendments will be received, printed, and lie on the table.

"Objection being made to the consideration of the bill, it will be passed over."

FINIS

Since May, 1930, the Managing Director has been writing and publishing bulletins to members of the NAB as a part of his official duties. The bulletins started with the "Washington News Service of the NAB" and the name was later changed to the "Broadcasters' News Bulletin" and finally, when membership had grown to a point where printing was advisable, to "NAB Reports." Your present Managing Director announced May 15, just five years to the day when the first of these reports was issued, that he would not be a candidate for reappointment and would retire from activities of your Association. He will leave Sunday for Colorado Springs, Colo., to attend the meeting of the NAB membership and so this is the last bulletin which will carry his name in the masthead. The job of writing NAB Reports, he is sure, will now fall into abler hands.

COME TO COLORADO SPRINGS, COLO.

The complex copyright situation which the broadcasters face at the present time has stimulated attendance at the 13th NAB meeting at Colorado Springs, Colo., July 7, 8, 9, and 10. Indications are that it will be the most important of all NAB meetings. If you want to know what broadcasters are thinking and doing about the copyright matter and hear all sides debated completely, come to the meeting. If you can't get accommodations at the Broadmoor, register at the Antlers in Colorado Springs.

HAVE YOU WIRED YOUR SENATOR?

Have you wired your Senator to help Senator Duffy pass the Copyright Bill in the Senate? If you have not done so, please do so at once.

STATEMENT OF ASCAP NEGOTIATIONS

The Board of Directors of the NAB, at its meeting held in New York, authorized the Managing Director to send to the membership of the Association the following statement on ASCAP negotiations made on June 22 by A. L. Ashby, vice president and general attorney of the National Broadcasting Company:

"It is believed that there should be placed upon the records of this Association the facts regarding the recent copyright negotiations with ASCAP.

"On April 18th Mr. Klauber and Mr. Ashby each received long telephone calls from Mr. Mills of ASCAP to the effect that at the last ASCAP Board Meeting ASCAP was willing to enter into negotiations with the Broadcasters for a continuance of the license agreements. Further discussions were had the following day and Mr. Mills telephoned Mr. Hostetler, the NAB copyright counsel in Cleveland.

"Messrs. Ashby and Klauber talked with Mr. Loucks, the Managing Director of NAB, who was in New York the week of the 22d, and on the 24th Mr. Loucks called a meeting of the Copyright Committee of NAB for Friday, April 26th, at 9 a. m. Mr. McCosker invited Messrs. Klauber and Ashby to attend this meeting.

"At that meeting it was decided that a committee would call on the ASCAP Committee which had been waiting at the ASCAP offices since 10 a. m. to meet with the Broadcasting Committee. The ASCAP Committee consisted of Messrs. Buck, Harbach, Mills, Romberg, Bornstein, Allen, Burnstein and Fisher. This meeting started shortly after 12 o'clock noon.

"At this meeting Mr. Mills read to the two committees his previous letter of April 11, 1932, in which all broadcasting revenue would be taxed 5 per cent. The Broadcasting Committee rejected the letter and stated that they thought an offer was to be presented to the Broadcasters. Mr. Mills stated he was not interested in the Government's suit as he was not entering into any consent decree. Considerable discussion took place regarding the per piece plan and Mr. Mills brought in a lot of cards showing how many separate titles would complicate such a plan and make it unworkable.

"Mr. Ashby, at about 5 o'clock, stated he wanted to know whether or not ASCAP would give us at this time an extension of the present contracts to December 31, 1935, otherwise the Broadcasters would have to go elsewhere to get their music, meaning by his remark to the Warner Brothers Group of Music Publishers. ASCAP agreed to consider this and advise the Broadcasters the following week.

"The Broadcasters were thereafter advised by ASCAP orally that the present contracts would be continued upon exactly the same basis until December 31, 1935.

"A further meeting was held May 23, 1935, between the NAB Committee and ASCAP. At that meeting Mr. Mills stated that the Board of ASCAP had approved a five-year extension of the present contracts with one modification, that modification being that each station would pay 5 per cent of the rate card on the station for chain programs as well as local programs, irrespective of the amount paid to the station by the chain for the broadcasting of chain programs. This was immediately objected to by the Broadcasters as being the payment of a royalty on monies never received by the station. The Broadcasters then made a proposal to ASCAP in the early afternoon that ASCAP again consider the proposal made by the Broadcasting interests at a prior meeting with ASCAP which contemplated an agreement to extend the present contracts on exactly the same terms for a five-year period; that the extension should be made subject to the approval of the Federal Court and should be coupled with a further agreement that as soon as possible there would be prepared and presented to the Court for approval the most feasible plan possible to enable the owners of copyright music individually and not in combination to decide the price which they wished to have paid for the single performance of the copyright numbers with the right of the music user to deal with any copyright owner singly for the performance in bulk of all numbers owned or controlled by him. Mr. Mills replied to this proposal that ASCAP was unwilling to enter into any agreement in the nature of a consent decree of the law suit or to recognize the right of the Government's contentions, but asked whether the NAB Committee would be willing to consider a five-year extension of the present contract without any change except as to increasing the fees of the network companies.

"The Broadcasters Committee withdrew to consider this proposal and decided that they would not accept it for fear that it might prejudice the Government in its suit. It was decided to advise ASCAP accordingly and ask ASCAP whether they would be willing to extend the contracts until the final determination of the Government's suit, which it was felt would not prejudice the Government in any way. This proposal was made to ASCAP and the ASCAP Committee stated it would have to be considered by the Board and they would advise the Broadcasters Committee later. Later the Broadcasters Committee was advised by a telephone call from Mr. Mills that his Board had refused the extension of the contracts for the period ending with the final determination of the Government's suit.

"Several of the Broadcasters on various occasions discussed the situation with Government representatives and were advised that since the Broadcasters' proposal to extend for the duration of the suit had been rejected that the Government would have no objection to the Broadcasters entering into a five-year contract, that being the only contract that was available to the Broadcasers. At that time it was pointed out to the Government representatives that we had long-term contracts with our advertisers running far beyond December 31, 1935, and that the ASCAP case was so important that it would undoubtedly be appealed to the United States Supreme Court and that it would be doubtful if it could finally be determined by the highest Court before two years and that we had to make some sort of an arrangement to cover our business after December 31, 1935.

"On June 3d at 5 p. m. the NAB Copyright Committee again met in New York to consider an offer that ASCAP was to make to the NAB Committee. The meeting began without any written offer having been received. (A quorum of the Committee was not present.)

"Mr. Klauber, on behalf of the Committee, and in its presence, talked with Mr. Mills on the telephone and Mr. Mills stated he did not have any formal paper prepared, but he had written out something on the train that morning and was having it typewritten at that time. He read it to Mr. Klauber over the telephone and asked whether or not he should come over with it or send it over. Mr. Klauber told Mr. Mills he would discuss it with the Committee and would telephone him the answer. After some discussion it was decided that the best way to review the offer, since it seemed considerably complicated as read over the telephone to Mr. Klauber, was to have copies sent over by Mr. Mills. Mr. Mills was accordingly advised and copies were received about 6 p. m. There seemed to be considerable extraneous matter in this proposal and Mr. Levy telephoned Mr. Mills and asked whether or not ASCAP would extend all broadcasting contracts on the same basis as before in a simple extension agreement without any excess language. Mr. Mills informed Mr. Levy he would do this and that he was not interested in the language of the proposal which he had sent to the Committee and the only change in the terms of the present contracts would be those applying to the network companies. Mr. Levy announced this to the Committee and made the statement that he was going to get his contract extended the following day. Mr. Klauber also announced he was going to get his contract extended the following day if he could get the proper terms. Mr. Ashby similarly announced he was going to get an extension of the NBC contracts if the increases were on the right basis.

"Mr. Hostetler stated he believed the acceptance of contracts by the Broadcasters would seriously hamper the Government in its case.

"Mr. Sprague and Mr. Kaye, attorneys for NBC and CBS respectively, stated that the Government's attorney had definitely advised them it would not prejudice the case and we should go ahead and get the extension if we wanted to. Mr. Sprague stated that this statement of the Government's attorney had been made in the presence of Mr. Bemis, the attorney associated with Mr. Hostetler. Mr. Hostetler advised that he did not know of this, but anyway he disagreed with it.

"Mr. Loucks stated that he felt the Government attorney was not so sure of this because a few days later he, Mr. Loucks, had talked with the Government attorney and that he had apparently talked with some of his superiors who felt the extension might cause the Court to postpone the trial date from June 10th. Mr. Loucks stated he thought it would be bad to enter into these five-year contracts, but aside from Mr. Loucks and Mr. Hostetler no one else at the meeting made any opposition to a simple extension of the present contracts.

"Mr. Kaye and Mr. Sprague both stated it was their confirmed opinion that the Government was not prepared to try its case; that while it had a great amount of factual information it had no concrete idea of what to present or how to present it; that it had prepared no trial brief and no opening statement to the Court and there was a very good chance that the Government would lose the case. Mr. Hostetler stated that he felt the Government was prepared and that he was convinced that it was going to win.

"As it was apparent that nothing further could be done that evening by the Committee, the meeting adjourned without taking any formal action.

"The following day, June 4th, Messrs. Klauber and Colin of CBS, Messrs. Ashby and Sprague of NBC and Mr. Levy met at the ASCAP offices in the forenoon and continued their discussion until late in the afternoon. They were successful in removing the objectionable features of Mr. Mills' written proposal which had been received the night before so that the primary question remaining was as to the amount of increase to be paid by the network companies, Mr. Mills insisting that an increase must be paid on the two New York stations of the NBC networks and the one New York station of the CBS network.

"NBC stated that it was prepared to put its managed and programmed stations on the new rate and compensation plan and pay a percentage of the network revenue from these stations based on the new plan. NBC said that it felt it was the soundest basis on which to figure the station revenue for ASCAP royalty purposes on these stations and that it would increase the payment to ASCAP on these stations by around $70,000 to $75,000 per annum.

"Mr. Mills said that he thought this principle was sound, but that he did not fully understand it and he would not be able to enter into any arrangement on that basis in lieu of increasing the fees for the New York stations on the networks without putting the whole matter up to his Board again and he felt that his Board would not understand it and might very likely reject it. He then made the proposal that each of the two New York stations of the NBC and the New York station of the CBS have their payments to ASCAP increased by the sum of $25,000 per annum. NBC stated that while this amount probably meant less money to be paid to ASCAP than under the rate and compensation plan, it would prefer to pay on the rate and compensation plan rather than on a flat increase on two stations. However, in view of the fact that Mills could not approve any contract except providing for the additional revenue to come from an increase on the New York stations NBC stated that it would sign an extension on the basis of the increase of its two New York stations and a similar increase on the New York station of CBS.

"The representatives of the Broadcasters inquired of ASCAP at this time if the offer to extend the contracts for five years was made to all broadcasting stations and Mr. Mills replied that it was and that a written offer would go out to the NAB and to the stations to that effect.

"NBC, CBS and WCAU then signed extension agreements and an extension agreement was prepared for WOR and sent to Mr. McCosker, Mr. Levy having advised Mr. McCosker from Mr. Mills' office of what the Broadcasters had been able to accomplish in the way of a five-year extension without any exceptions or changes except as to the increases to the networks. Mr. McCosker, as chairman of the Copyright Committee, stated he was engaged in other appointments and could not come over, but asked that a contract be sent to him. He voiced no objection to the signing of these contracts and to the negotiations which had taken place that day. Mr. McCosker, however, received no firm offer in writing until June 17.

"Briefly summarized, the reasons for the signing of these agreements by WCAU, CBS and NBC were as follows:

> "1. No written extension had been procured prior to that time for the period from September 1 to December 31, 1935.
>
> "2. The Government's suit was, in the opinion of those Broadcasters present, inadequately prepared and stood a good chance of being lost.
>
> "3. The Government's suit could not be finally determined by the highest Appellate Court for probably two years.
>
> "4. The Broadcasting stations have contracts with advertisers extending far beyond December 31, 1935, and ASCAP music must be made available for these advertisers.
>
> "5. Broadcasting stations cannot satisfactorily operate under present conditions without the music controlled by ASCAP.
>
> "6. The Courts have no power, in the opinion of counsel, to order the extension of the ASCAP contracts on the present terms or any other terms without the consent of ASCAP.
>
> "7. In the event of a Government victory, finally upheld in the highest courts, the five-year contract would operate during the transition period which would be necessary to work out the details of the new methods of licensing the performance of music and to put such new methods into actual operation.
>
> "8. Should the Government be unsuccessful in its suit, this five-year contract would insure us against any further increases being demanded of the Broadcasters for five years.
>
> "9. The Government counsel definitely advised us that this extension would not prejudice the Government's suit since it was the only extension that could be procured.
>
> "10. In the event of an ASCAP victory, ASCAP and its members would undoubtedly be so drunk with power that tremendous increases would be demanded with little hope of negotiating a favorable contract.
>
> "11. Should the Government's case appear weak, it would be practically impossible to secure an extension on the present terms prior to a decision of the trial court.

"As practical business men and lawyers, the need of the immediate extension of the ASCAP licenses was obvious. NAB, being merely a trade association, was not in a position to act with authority with regard to the ASCAP offers and it was vital for the protection of the broadcasting industry as a whole, as well as to the companies signing the extensions on June 4, that commitments on behalf of ASCAP be made immediately. Had the matter waited until the Copyright Committee could again be convened and then a report made to the Board of Directors, also to be convened, such action would have been delayed beyond the beginning of the Government's trial on June 10th. Even action by the Board of Directors would not have been binding upon any of the members and could only consist of recommendations.

"It was a case where the Broadcasters participating in the discussions of June 4th saved the day for the entire broadcasting industry and these men and the companies they represent should be thanked for their efforts and the results accomplished.

"As the facts eventuated, the opinions of those broadcasters who obtained the renewal agreements have been fully sustained and it has been made apparent that their action was not only justified, but extremely fortunate for the entire broadcasting industry. If these extensions had not been obtained, the Government would either (a) have been compelled to continue the trial of a case which in the opinion of all observers was futile, or (b) obtain an adjournment up to the very eve of the day on which the contracts between ASCAP and the Broadcasters would expire. If the offer to extend the Broadcasters' contracts had not been accepted, it is doubtful if the representatives of the Government would have dared to adjourn the case and they would have felt impelled to continue with an attempt to present testimony which was continually being ruled out by the Court, with the result that the Court, in all likelihood, would have granted a motion to dismiss the complaint at the end of the Government's case.

"In any event, whether the case was continued under extremely adverse circumstances or whether it was adjourned, the threat of the suit would no longer have been a weapon to compel ASCAP to grant extensions upon the same terms. A failure to seize the opportunity to extend these contracts at the time when ASCAP offered to do so would therefore quite possibly have resulted in a complete loss of the Government's case and would very probably have resulted in the immediate imposition upon all Broadcasters of higher license fees."

SPEARMAN RESIGNS AS GENERAL COUNSEL

Paul D. P. Spearman, who has been general counsel of the Federal Communications Commission since its inception, resigned that post on June 27. His resignation becomes effective on June 30. He will return to the private practice of law. The Commission accepted his resignation in the following communication:

June 27, 1935.

Mr. Paul D. P. Spearman,
Federal Communications Commission.

My Dear Mr. Spearman:

The Commission yesterday received and accepted your letter of resignation as General Counsel to become effective June 30, 1935.

At that time the Commission requested me to acknowledge your letter. In your letter you paid this Commission and the members of its staff a very high compliment in the work which they have performed, and you ask that you be permitted to claim a small share of the credit for the success of the work that has gone before. I believe I may say, and I am sure my colleagues will join me in saying, that a large measure of the success is due to your efficient and painstaking studies of the problems which have come before us during this past year.

In your return to private practice the Commission wishes you a full measure of success and is sincere in its appreciation of your offer of further service.

By direction of the Commission:

ANNING S. PRALL,
Chairman.

RECOMMENDS INCREASED POWER FOR WIND

Broadcasting station WIND, Gary, Ind., filed an application with the Federal Communications Commission asking that its daytime power be increased from 2,500 to 5,000 watts. The station now operates on a frequency of 560 kilocycles, unlimited hours, with a power of 1,000 watts and 2,500 watts local sunset.

Melvin H. Dalberg(e) in Report No. I-67 recommends that the application be granted. The Examiner found that there is some demand for such increased service and that no serious interference would be caused with existing facilities.

A. T. & T. PROPOSES TELEVISION CABLE

The application of the American Telephone and Telegraph Company and the New York Telephone Company for authorization to construct a coaxile cable from New York to Philadelphia, as a part of the experiment to determine the future possibilities of the coaxial cable in television as well as telephone and telegraph use, has been set for hearing before the Commission en banc for July 15, 1935.

All parties interested in, or who may be affected by, the use of the coaxial cable, if and when it may be devoted to general commercial use, will, upon application to the Commission, be afforded opportunity to participate in the hearing.

The Commission feels that it is in the public interest to ascertain in advance the facts surrounding the future uses to which the cable may be put.

CORRECTION

NAB Reports, issue of June 15, contained an item stating that Station WREN, Leavenworth, Kansas, has been denied rehearing by the United States Court of Appeals for the District of Columbia in its appeal to that court against a decision of the Federal Communications Commission in which the court upheld the action of the Commission in denying WREN permission to intervene in the WHB, Kansas City, Missouri, where that station was allowed to operate at night. It is pointed out that the case referred to was not an appeal by WREN but an appeal by the Commission from a decision of the Supreme Court of the District of Columbia. Neither the Supreme Court of the District nor the United States Court of Appeals upheld any action of the Commission in denying WREN permission to intervene. The decision of the majority of the United States Court of Appeals is merely to the effect that the Jenny Wren Company mistook its remedy when it sought an injunction against the holding of a hearing at which the question of further operating hours for WHB would be taken up. The court held that the remedy of the Jenny Wren Company for the failure of the Commission to allow the Jenny Wren Company to participate would be by appeal after the granting of the WHB application, should such application be granted, and not by a suit for an injunction against the holding of the illegal hearing.

RECOMMENDS NEW TEXAS STATION

The Palestine Broadcasting Association filed an application with the Federal Communications Commission asking for authority to construct a new broadcasting station at Palestine, Texas, to operate daytime only on 1420 kilocycles and 100 watts power.

In Report No. I-66, Ralph L. Walker(e) recommends that the application be granted. The examiner found that there is a substantial need in the Palestine area for daytime broadcast service, that the applicant appears to be qualified for the erection and running of such station, and that granting of the application would not interfere with any existing radio facilities.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted extension of special temporary authority to operate daily a maximum of 4 hours simultaneously during daytime with station WILM, Wilmington, Del., for a period of 3 months from July 1.

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Granted consent to voluntary assignment of license to the city of Atlantic City.

WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted C. P. to make changes in equipment.

KLZ—The Reynolds Radio Co., Ltd., Denver, Colo.—Granted modification of C. P. to change transmitter site to a new location to be determined subject to approval of the Commission, increase day power from 2½ to 5 KW, extend commencement date to 60 days after grant and completion date to 180 days thereafter.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modification of C. P. to extend completion date from July 7 to 90 days thereafter.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted amended C. P. to move transmitter locally, install new equipment and increase day power from 1 to 5 KW.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. authorizing move from Kearny, N. J., to Carteret, N. J., installing new equipment and increasing power to 50 KW.

KINY—Edwin A. Kraft, d/b as Northwestern Radio Advertising Co., Juneau, Alaska.—Granted license to cover C. P. authorizing erection of new station; **1310 kc.**, 100 watts, unlimited time.

WCAD—St. Lawrence University, Canton, N. Y.—Granted modification of license for increase of specified hours of operation from 9 to 12 hours a week, to operate as follows: Daily except Sundays, 12:30 to 1:30 p. m., EST; 3 to 4 p. m., EST.

WREN—Wren Broadcasting Co., Lawrence, Kans.—Granted modification of C. P. to make changes in equipment and increase in daytime power to 5 KW.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted C. P. to make changes in equipment and increase power to 50 KW.

NEW—WCBS, Inc., Portable (Springfield, Ill.).—Granted C. P. (temporary broadcast pickup), frequencies **1622, 2060, 2150** and **2790 kc.**, 25 watts.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of license to delete schooner *Seth Parker* as point of communication and to utilize the station for other general research purposes in connection with the design and development of transmitting equipment, as well as investigation of propagation characteristics of assigned frequencies.

W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.).—Granted renewal of exp. gen. exp. license for the regular period to expire October 1, 1936. Also granted modification of license to include frequencies **31100, 34600, 37600** and **40600 kc.** for broadcast pickup in gen. exp. service.

W8XAY—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.).—Granted renewal of license for regular period to expire October 1, 1936. Also granted modification of license to include frequencies **34600, 37600, 40600 kc.** for broadcast pickup in gen. exp. service.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile (Boston, Mass.).—Granted renewal of license in conformity with existing authorization; also granted modification of license to include frequencies **31100, 34600, 37600 kc.** for broadcast pickup in the gen. exp. service.

W8XAA—Howitt-Wood Radio Co., Inc., Portable-Mobile (Binghamton, N. Y.).—Granted renewal of license; also modification of license to add frequency **40600 kc.** for broadcast pickup in the gen. exp. service.

SPECIAL AUTHORIZATIONS

KPOF—Pillar of Fire (a corporation), near Denver, Colo.—Granted special temporary authority to remain silent from 2:30 to 4:30 p. m., MST, July 4, 1935, in order to observe institutional holiday.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to operate from 12 noon to 2 p. m., CST (and/or such additional time within its broadcast day as station may desire) instead of limited time, as at present licensed, July 4, 1935, in order to allow staff a partial vacation.

KGCK—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate from 3:30 to 6 p. m., MST, July 11, 12, and 13, in order to broadcast the 15th Annual Wolf Point Stampede.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to remain silent August 5, 12, 19, 26 and September 2, in order to observe school vacation period.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 to 9:15 p. m. on Tuesdays and Thursdays, and from 8:15 to 9:15 p. m., CST, on Wednesdays, for the period July 5 to August 2, 1935, provided station WNAD remains silent, in order to allow WNAD to observe school holiday period.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 to 11 p. m., CST, June 27, 28 and 29, in order to broadcast Barn Dance Talent Try-outs of station WLS to be held in the Goshen High School.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 3 p. m., CST, June 28, in order to broadcast State College Farm and Home day program.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 10 days.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary experimental authority to operate on **560 kc.**, 1 KW power, night, for period July 1 to July 31, 1935.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period beginning July 1 and ending not later than July 31, 1935.

WAML—Southland Radio Corp., Laurel, Miss.—Granted special temporary authority to remain silent, but for a period not to exceed 30 days, for the purpose of moving studio and installing new equipment.

KFNF—Henry Field Company, Shenandoah, Iowa.—Granted special temporary authority to use the time assigned to but not used by KUSD (provided KUSD will remain silent) but for the period ending in no event later than August 31, 1935, in order to permit KUSD to observe summer vacation period.

RENEWAL OF LICENSES

WGPC—Americus Broadcast Corp., Albany, Ga.—Granted renewal of license for the regular period.

WPAY—Vee Bee Corp., Mt. Orab, Ohio.—Granted renewal of license for the regular period.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted renewal of license for the period ending November 1, 1935.

KPJM—Scott & Sturm, Prescott, Ariz.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

KWKC—Wilson Duncan Broadcasting Co., Kansas City, Mo.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

WJTL—Oglethorpe University, Atlanta, Ga.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

WRDO—WRDO, Inc., Augusta, Maine.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Present license extended for a period of 1 month from July 1, on a temporary basis, subject to such action as may be taken on pending application for renewal of license.

KCMC—North Miss. Broadcasting Corp., Texarkana, Ark.—Present license extended for a period of 3 months from July 1, 1935, on a temporary basis, subject to such action as may be taken on pending application for renewal.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license extended on a temporary basis to August 1, 1935, pending receipt and action on renewal application.

KGFL—KGFL, Inc., Roswell, N. Mex.—Present license extended on a temporary basis to August 1, 1935, pending receipt and action on renewal application.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Present license extended on a temporary basis to August 1, 1935, pending receipt and action on renewal application.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile.—Granted renewal of gen. exp. station license for the period ending October 1, 1936.

W10XBH—Charles L. Jaren, Portable-Mobile.—Granted renewal of gen. exp. station license for the period ending October 1, 1936.

W6XAR—Julius Brunton & Sons Co., Portable-Mobile.—Present licenses extended for a period of 1 month from July 1 to August 1, 1935, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

SET FOR HEARING

NEW—Ralph Perez Perry, Santurce, P. R.—Application for C. P. for new station; **1340 kc.**, 250 watts, unlimited time.

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Atlanta, Ga.—Application for C. P. for new station; **1210 kc.**, 100 watts, daytime.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Application for modification of license to increase hours of operation from S-WHBL to unlimited.

NEW—Walker Jamar, Duluth, Minn.—Application for C. P. (already in hearing docket), amended to read: **1500 kc.**, 100 watts, unlimited, requests facilities of KGKF.

WMBG—Havens & Martin, Inc., Richmond, Va.—Application for C. P. (already in hearing docket), amended to read: **1350 kc.**, 500 watts, unlimited, and make changes in equipment.

WKAR—Michigan State College, E. Lansing, Mich.—Application for modification of license amended to read: Change frequency from **1040 kc.** to **850 kc.**, and change hours of operation from S.H. daytime, 1 KW, to daytime, sunset at WWL.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for C. P. (already in hearing docket) amended to read: **1240 kc.**, 250 watts night, 1 KW day, unlimited time, move transmitter locally, change frequency from **1500 kc.** to **1240 kc.**, increase night power from 100 to 250 watts and day power from 100 watts to 1 KW; install new equipment.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Application for C. P. to install new equipment; increase day power from 1 to 5 KW; move station locally to a site to be determined subject to approval of Commission.

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for modification of license to change hours of operation from share KUSD and WILL ½ time, KFNF ½ time, to share KFNF-KUSD ⅛ time, KFNF ⅞ time.

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Renewal of license set for hearing and temporary license granted pending hearing.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Application for modification of license to increase nighttime power from 1 to 5 KW. (To be heard before the Broadcast Division.)

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Renewal of license; **930 kc.**, 1 KW night, 2½ KW day, shares with KGBZ.

KGCX—E. E. Kresbach, Wolf Point, Mont.—Application for C. P. (already on hearing docket) amended to read: **1450 kc.**, 1 KW, and time of operation unlimited.

NEW—Knox Broadcasting Co., Inc., Schenectady, N. Y.—Application for C. P. for new station; **1240 kc.**, 1 KW, unlimited time. Requests call letters WKBA.

MISCELLANEOUS

KSO—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—Denied petition asking Commission to reconsider action in designating for hearing application to increase night power to 500 watts and day power to 1 KW and grant same.

WILL-KFNF—University of Illinois, Urbana, Ill., and Henry Field Co., Shenandoah, Iowa.—Denied request for special temporary authority to operate simultaneously from 7 to 8 a. m. and from 10 to 11 a. m., CST, daily, except Sundays, for period June 18 to 30, 1935, in order to broadcast additional programs.

Ex. Rep. No. 1-65—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Adopted examiner's report recommending that the application of Wark and Hedstrom to erect a new station at Twin Falls, Idaho, be withdrawn without prejudice. The application was for **1500 kc.**, 100 watts.

NEW—David Parmer, Columbus, Ga.—Granted petition to intervene in opposition to application of WJTL (Oglethorpe University) for voluntary assignment of license. Petitioner has application pending for facilities of WJTL.

WGN—WGN, Inc., Chicago, Ill.—Granted petition to intervene at hearing of application of WJJD, Chicago, for modification of license. Applicant seeks to modify license so as to operate with 5 KW after sunset Salt Lake City, and with 20 KW from 6 a. m. to 8:30 p. m. Station now operates with 20 KW, limited time.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene at hearing of application of WJJD, Chicago, for modification of license. Applicant seeks to modify license so as to operate with 5 KW after sunset Salt Lake City, and with 20 KW from 6 a. m. to 8:30 p. m. Station now operates with 20 KW, limited time.

WMAQ-WENR—National Broadcasting Co., Chicago, Ill.—Granted petition to intervene at hearing of application of WJJD, Chicago, for modification of license. Applicant seeks to modify license so as to operate with 5 KW after sunset Salt Lake City, and with 20 KW from 6 a. m. to 8:30 p. m. Station now operates with 20 KW, limited time.

KPOF—Pillar of Fire, Inc., Denver, Colo.—Denied petition asking Commission to reconsider action in designating application for hearing and to grant same. Applicant requests authority to increase daytime power from 500 watts to 1 KW.

KGGC—Golden Gate Broadcasting Co., San Francisco, Calif.—Denied petition asking Commission to reconsider action in designating application for hearing and to grant the same. Applicant seeks to increase time of operation to unlimited.

The Commission will hear oral arguments in re Examiner's Report No. 1-54, concerning the applications of the Helena Broadcasting Co., Helena, Mont.; Montana Broadcasting Co., Boulder, Mont.; and E. B. Craney, Helena, Mont., to establish a new radio station to operate on **1420 kc.**, with 100 watts.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WDEL—WDEL, Inc., Wilmington, Del.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited.

WESG—Cornell University, Elmira, N. Y.—Modification of license, **850 kc.**, 1 KW LS, daytime.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Special experimental authority, **1450 kc.**, 1 KW, unlimited time.

WEBQ—The Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1210 kc.**, 100 watts, 250 watts LS, unlimited.

NEW—Wm. B. Smullin, Salem, Ore.—C. P., **1440 kc.**, 500 watts, unlimited.

The following application, heretofore set for hearing, was denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b):

NEW—Alaska Radio & Service Co., Inc., Juneau, Alaska.—C. P., **1200 kc.**, 100 watts, unlimited time.

ACTION ON CASES HEARD BY BROADCAST DIVISION

(Action taken June 11, 1935)

NEW—Winger & Thomas, Chattanooga, Tenn.—Denied application for C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time.

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—Denied application for C. P. for new station to operate on **1120 kc.**, 100 watts, daytime hours.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS * * * * Vol. 3 - - No. 32
JULY 9, 1935

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BROADCAST ADVERTISING IN MAY

Developments of the Month

BROADCAST advertising in May exhibited the usual seasonal trends. Total gross time sales during the month amounted to $7,546,285, a decline of 6.4% as compared with April volume. National network advertising decreased 7.2%, national non-network volume 8.2%, and local broadcast advertising 4.1%.

Regional network advertising alone increased, rising 5.5% as compared to April.

Comparison with Previous Year

Broadcast advertising volume still remains materially ahead of last year's level. May gross time sales were 9.0% ahead of the same month of 1934. National network advertising gained 9.4%, national non-network volume 2.0%, and local broadcast advertising 5.5%. Regional network advertising more than doubled May, 1934, volume.

Comparison with Other Media

National magazine advertising decrease 4.4% as compared to April but was 4.9% greater than during May of last year. National farm paper advertising decreased 4.8% as compared with the preceding month, and was 1.4% greater than for the corresponding month of 1934. Newspaper lineage rose 2.7% as against April, and reached a level 3.3% higher than in May, 1934. Retail newspaper advertising was 4.8% above last May's level, and general advertising 5.9% below the same month of 1934. Department store newspaper advertising registered a gain of 2.6% in May as compared with the preceding year.

Non-network Trends

General non-network advertising increased 7.1% as compared with the corresponding month of 1934. Non-network advertising of stations over 1,000 watts in power rose 3.7%, that of stations of 250-1,000 watts increased 12.8%, while revenues of 100-watt stations gained 1.8%. All classes of stations showed declines as compared with the preceding month.

Advertising in the South South-Central Area declined 11.4% as against April, declines in other sections averaging approximately 5%. With the exception of non-network advertising in the New England-Middle Atlantic Area, which decreased materially, revenues of all sections were materially above the May, 1934, level. The non-network decline in the aforementioned district has been due in part to increasing network volume.

In the national non-network field live talent volume fell below the previous year's level for the first time in eleven months. Live talent volume in this field was 1.0% below May, 1934. Transcription volume was 2.1% lower than the level of last May, while announcement business experienced an increase of 3.1%.

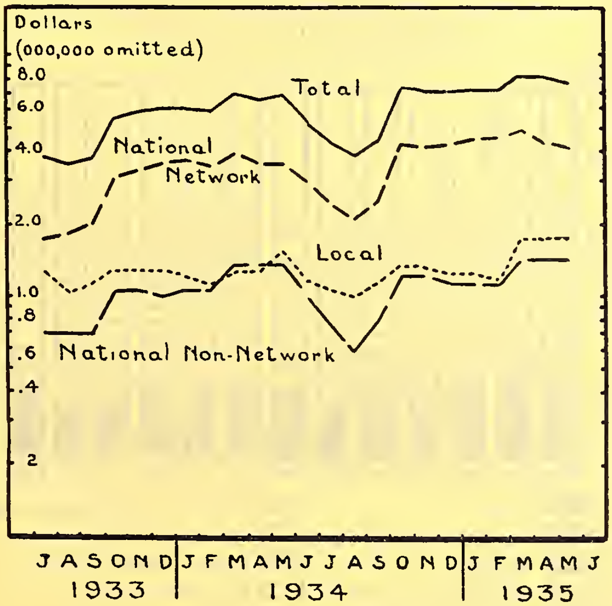
Local transcription volume was 18.6% greater than during the same month of last year, live talent volume rose 5.5%, and announcement business 13.5%. Revenues from programs employing records decreased 33.0%.

National non-network transcription advertising remained at comparatively the same level as April. Live talent volume declined 20.9%, and announcement volume rose 9.2%. Local transcription volume rose 9.0% during the month. Live talent volume declined 8.4%, records 23.7%, and announcements rose 1.2%.

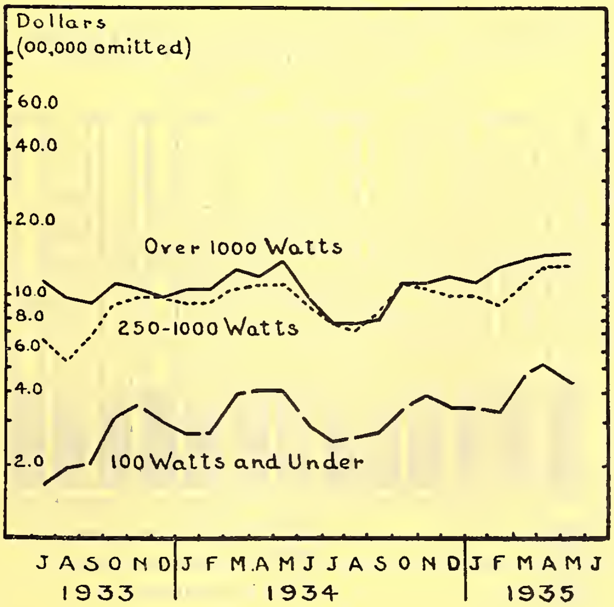
Sponsor Trends in May

Rises occurred during the month in the national non-network and local accessory fields, national and regional network food advertising, national non-network and local beverage advertising, a general rise in the soap and kitchen supply field and an increase in local radio and regional

RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to May, 1935

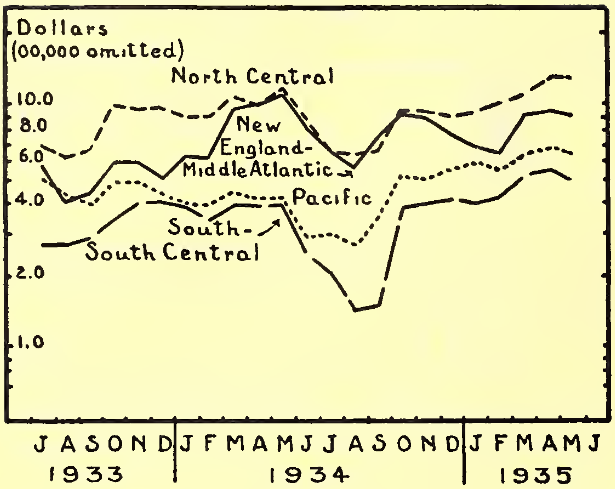


NON-NETWORK ADVERTISING BY STATION POWER
July, 1933, to May, 1935



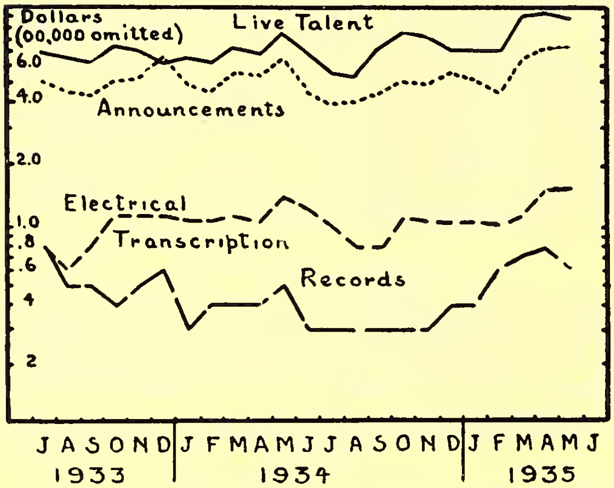
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to May, 1935



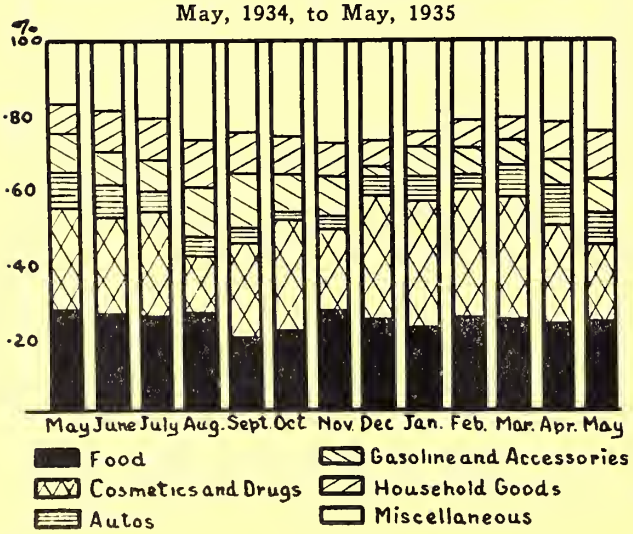
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to May, 1935



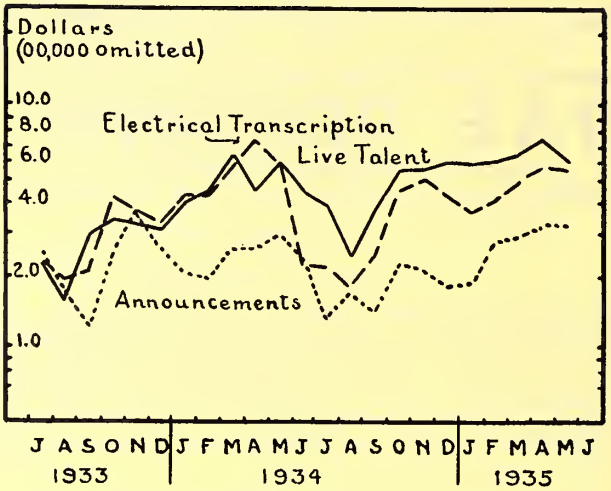
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

May, 1934, to May, 1935



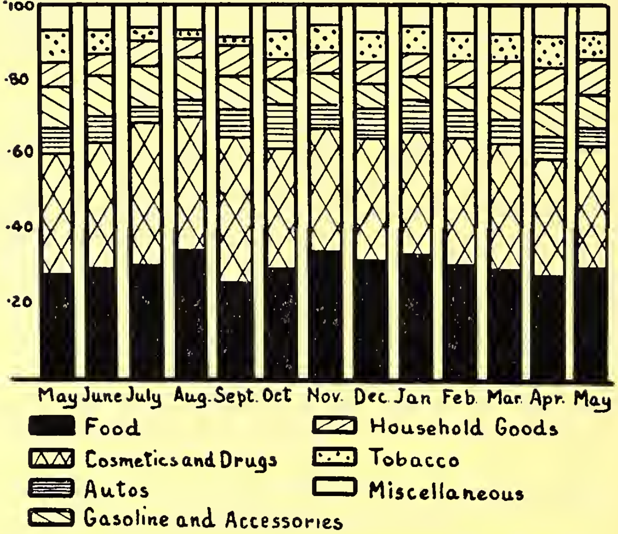
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION

July, 1933, to May, 1935



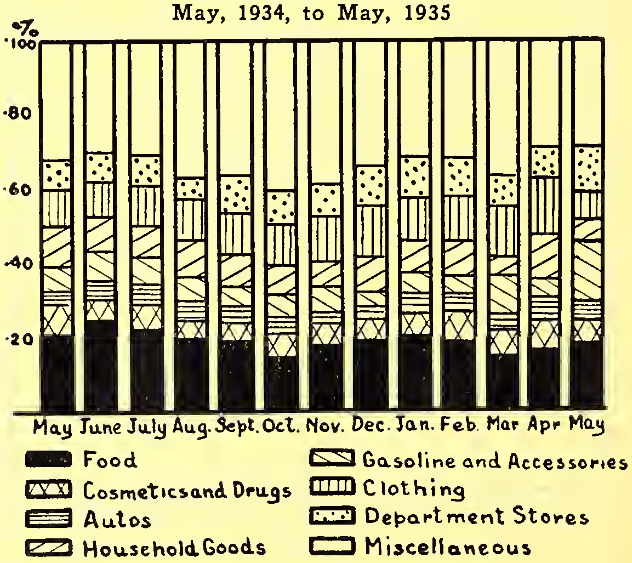
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

May, 1934, to May, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

May, 1934, to May, 1935



network tobacco advertising. Declines were general among sponsor groups as compared with April.

A number of important gains were recorded as against the corresponding month of 1934. Local automotive advertising more than doubled, regional network clothing advertising increased eight-fold, while local clothing volume rose 45.9%. National network drug advertising registered an increase of 27.0% in spite of a material decline as compared to April. National and regional network food advertising rose materially, as did national network and national non-network confectionery volume. Household equipment, soap and kitchen supply advertising rose materially throughout the various portions of the medium. Regional network and national non-network tobacco advertising continued their increases of recent months.

Detailed information regarding trends in broadcast advertising in various fields of sponsorship are as follows:

1a. ***Amusements.*** Decrease 5.6% as against April, 40.0% decline national non-network being principal cause. Decrease 11.0% compared 1934. Decline general.

1. ***Automotive.*** Decreasae 12.1% national network volume as compared April, 23.3% national non-network, and 15.0% local. Compared May, 1934, national network volume unchanged, national non-network up 1.5%, and local doubled.

2. ***Gasoline and accessories.*** National network advertising down 3.0% compared to April and regional networks 14.4%. National non-network up 18.5% and local 27.3%. Compared same month of last year, national network down 7.3%, regional networks 40.0%, national non-network 8.9%. Local up 2.0%.

3. ***Clothing.*** National network volume 30.0% below April, regional networks 23.0%, national non-network 10.0%, and local 13.0%. National network advertising 16.6% above May, 1934, regional volume nearly eight times greater, local up 45.9%, and national non-network down 42.0%.

4. ***Drugs and pharmaceuticals.*** National network volume down 14.7% compared to April, national non-network 28.3%, and local 40.0%. Regional volume up 3.8%. National network advertising 27.0% above last May, regional networks 48.0%. National non-network down 15.0%, and local 31.0%.

5. ***Toilet goods.*** National network volume unchanged from April, local up slightly. National non-network down 28.0%, and regional network down 9.0%. Compared to last May, national network up 1.1%, with material increase in regional field. National non-network down 39.2%, and local 31.2%.

6. ***Foodstuffs.*** National network 16.2% above April, regional networks 66.0%, with national non-network down 8.0%, and local 4.4%. National network advertising 43.1% ahead of May, 1934, regional volume tripled, national non-network down 21.4%, and local 10.1%.

7. ***Beverages.*** National network down 17.3% compared to April, national non-network up 10.0%, and local up 21.4%. National network volume 37.2% above May, 1934, national non-network 3.0%, and local 15.9%.

8. ***Confectionery.*** National network volume two-thirds below April level, national non-network same. Local advertising up 49.0%. Compared last May, national network volume 146.0% greater, national non-network up 80.0%, and local more than doubled.

9. ***Household equipment.*** National network volume 18.6% below April. Regional network advertising 31.8% greater, national non-network 6.1%, and local 4.5%. National network advertising 46.0% above May, 1934, national non-network 31.4%, and local 45.1%. Regional advertising increased from $848 to $14,441.

10. ***Soaps and kitchen supplies.*** National network volume 1.0% above April, regional networks 60.0%, national non-network 28.5%, and local 15.1%. National network advertising 25.0% greater than in May, 1934, with national non-network and local volume more than doubled. Regional volume increased materially.

11. ***Financial and insurance.*** National network advertising 43.0% below April, and local 10.0%. National non-network 11.2% above. Compared last May, national network volume 55.2% below, with regional volume off materially. National non-network volume down 20.9%, and local up 4.0%.

12. ***Radio.*** National network advertising 12.6% below April, national non-network 55.0%, and local up 77.0%. Compared to May of previous year, national network and local volume more than double, with national non-network advertising down nearly four-fifths.

13. ***Department and general stores.*** Little change from preceding month. National non-network volume 204.4% greater than during May of preceding year. Local advertising up 28.3%.

14. ***Tobacco products.*** National network advertising down 19.5%, regional networks up 55.9%, local volume doubled, and national non-network advertising down 10.0%. Compared with May, 1934, national network advertising down 5.8%, regional network volume increased from nothing to $15,435, national non-network advertising increased from $1,406 to $54,555, and local volume more than tripled.

15. ***Miscellaneous.*** National network volume down 33.7%, regional networks 30.0%, and local 7.3%. National non-network advertising up 14.0%. Compared to May, 1934, national network advertising down 9.8%, regional volume more than doubled, national non-network up 41.1%, and local up slightly.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(May, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$3,822	$46,900	$50,722
1–2. Automobiles and accessories:					
(1) Automobiles	$217,599	—	136,413	101,269	455,281
(2) Accessories, gas and oils	365,819	$9,505	133,968	112,055	621,347
3. Clothing and apparel	35,072	4,654	22,025	246,010	307,761
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	467,586	6,975	259,240	79,738	813,539
(5) Toilet goods	892,169	4,531	62,236	23,630	982,566
6–8. Food products:					
(6) Foodstuffs	932,949	25,369	266,728	222,248	1,447,294
(7) Beverages	229,918	820	60,498	102,037	393,273
(8) Confections	58,920	200	53,866	16,800	129,786
9–10. Household goods:					
(9) Household equipment and furnishings	70,123	14,441	99,565	237,810	421,939
(10) Soap and kitchen supplies	299,594	4,839	99,206	19,953	423,592
11. Insurance and financial	24,574	464	17,786	54,230	97,054
12. Radios	82,583	—	1,620	16,000	100,203
13. Retail establishments	—	—	13,730	159,615	173,345
14. Tobacco products	292,095	15,435	54,555	15,925	378,010
15. Miscellaneous	109,575	8,788	224,090	408,120	750,573
Total	$4,078,576	$96,021	$1,509,348	$1,862,340	$7,546,285

Retail Broadcast Advertising

General declines occurred in various fields of retail sponsorship during the month. Gasoline and accessory, house furnishings and radios experienced the principal gains.

The following important gains were experienced in various fields as compared to May, 1934: Automobile dealers, 172.0%; gasoline and accessory dealers, 51.0%; clothing and apparel shops, 40.0%; household equipment retailers, 33.8%; furniture stores, 71.5%; hardware stores, 63.0%; and department stores, 24.4%. Food stores registered the principal decline, a decrease of 20.0% occurring.

Total retail broadcast advertising was 5.4% below the April level and 42.6% above May, 1934.

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	*1935 Gross Time Sales* *April*	*May*
Automobiles and accessories:		
Automobile agencies and used car dealers	$119,175	$108,235
Gasoline stations, garages, etc.	55,080	79,345
Clothing and apparel shops	293,330	248,847
Drugs and toilet goods:		
Drug stores	37,850	16,128
Beauty parlors	9,985	10,420
Food products:		
Grocery stores, meat markets, etc.	57,250	51,034
Restaurants and eating places	24,400	22,025
Beverage retailers	1,980	1,690
Confectionery stores	2,850	1,780
Household goods:		
Household equipment retailers	78,096	90,706
Furniture stores	93,035	95,800
Hardware stores	37,725	39,100
Radio retailers	9,050	15,810
Department and general stores	174,130	173,345
Tobacco shops	1,150	343
Miscellaneous	98,110	83,590
Total	$1,094,196	$1,038,198

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*April*	*May*	*Cumulative Jan.-May*
National networks	$4,398,013	$4,078,576	$22,583,795
Regional networks	82,058	96,021	371,378
National non-network	1,645,523	1,509,348	7,190,133
Local	1,939,327	1,862,340	8,346,690
Total	$8,064,921	$7,546,285	$38,491,996

General Business Conditions

Following the recession of the late spring, there has been a slight increase in business activity during recent weeks. The *New York Times* index reached 84.3% of the 1923-25 average during the week of June 15, as compared with 81.6% during the week of May 18. Electric power production increased 2.5% during the first half of June. Automobile production continued at the high level maintained recently. May orders in the machine tool industry were 12.0% greater than in April.

Carloadings increased somewhat. Rural retail sales were 17.0% greater than during May, 1934, while grocery chain store sales rose 5.0%. Variety store sales were 4.5% greater than during the corresponding month of last year. There were some price recessions in recent weeks, principally due to declines in the food field.

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*April*	*May*	*Cumulative Jan.-May*
Radio broadcasting	$8,064,921	$7,546,375	$38,492,006
National magazines [1]	13,093,525	12,524,188	56,586,507
National farm papers	597,153	566,919	2,497,336
Newspapers [2]	46,734,000	47,998,000	212,206,000
Total	$68,489,599	$68,635,482	$309,781,849

[1] National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

[2] Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*April*	*May*	*Cumulative Jan.-May*
Over 1,000 watts	$1,675,490	$1,557,720	$7,420,165
250-1,000 watts	1,444,530	1,393,710	6,082,995
100 watts	464,830	420,348	2,033,673
Total	$3,584,850	$3,371,778	$15,536,833

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*April*	*May*	*Cumulative Jan.-May*
New England-Middle Atlantic Area	$952,310	$905,320	$4,102,680
South Atlantic-South Central Area	570,840	505,420	2,411,340
North Central Area	1,371,600	1,302,922	5,884,482
Pacific and Mountain Area	690,100	658,116	3,138,331
Total	$3,584,850	$3,371,778	$15,536,833

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*April*	*May*	*April*	*May*	*April*	*May*	*Jan.-May*
Electrical transcriptions	$573,870	$568,719	$162,080	$176,773	$735,950	$745,492	$3,123,578
Live talent programs	751,080	593,906	967,790	885,844	1,718,870	1,479,750	7,487,095
Records	14,223	12,045	79,057	60,233	93,280	72,278	361,701
Announcements	306,350	334,768	730,400	739,490	1,036,750	1,074,258	4,564,459
Total	$1,645,523	$1,509,438	$1,939,327	$1,862,340	$3,584,850	$3,371,778	$15,536,833

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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RETAIL BROADCAST ADVERTISING

The use of broadcast advertising by retailers has been receiving increasing attention during recent months. Despite the fact that retail institutions were among the first to own broadcasting stations, retail advertising over the radio, until recently, has progressed more slowly than has its national counterpart.

A number of causes have contributed to this situation. The greatly increased cost of station operation, following the first few years of broadcasting, caused many retailers who had established stations to give up their radio ventures or else to concentrate their energies entirely upon the business of broadcasting. The innate conservatism of the average retailer kept many from embarking upon this new medium until the success of national advertisers had given indisputable proof of its efficacy. Finally the limited financial resources of the average retailer, an incomplete appreciation of retail broadcast advertising problems on the part of many broadcasters and retailers alike, further combined to retard the progress of retail radio advertising.

Increased Interest in Retail Advertising

Today the situation is changing rapidly. The success of many retailers with radio advertising is directing the attention of their colleagues to the medium. Department stores, especially, are turning their attention to radio, and the demand for knowledge of the medium has been such that the National Retail Dry Goods Association, composed of a large number of the country's leading department stores, has just published a manual on the retail use of radio advertising. Individual inquiries regarding radio on the part of retailers also are growing. Dealer interest in and preference for broadcast advertising is further indicated by the replies of drug store proprietors, grocery store operators and gasoline filling station attendants to a survey conducted for the National Broadcasting Company. The results of this survey showed an overwhelming sentiment for broadcast advertising as compared to other media.

This interest is being translated into action. Retail broadcast advertising during the current year has shown a marked gain over the same period of 1934. Gross time sales to retail establishments during the first quarter of the current year were 48.6% greater than during the corresponding period of the preceding year. There has been a consistent upward trend throughout recent months as evidenced by the fact that retail broadcast advertising in January exceeded the same period of the previous year by 34.4%, February volume indicated a gain of 48.2%, while March advertising exceeded the 1934 level by 65.2%. April retail volume was 71.1% greater than during the same month of last year.

Department and general store advertising has increased particularly. Department store radio advertising during the first quarter of this year was 48.5% greater than during the corresponding period of 1934. April volume exceeded that of the previous year by about the same amount. Automobile dealer advertising, and advertising by clothing and housefurnishing retailers has increased markedly during the current year.

New Data on Retail Radio Advertising

Prompted by the growing interest in retail broadcast advertising, the National Association of Broadcasters recently has made a special analysis of the volume of retail advertising. Gross time sales to retailers over a selected group of stations were analyzed for a thirteen month period covering the latter part of 1933 and the major portion of 1934. Retail advertising was broken down by various classes of stations, different types of rendition employed and similar factors. The results of the study provide, for the first time, detailed statistical information as to the manner in which broadcasting is being used by retailers. Insofar as the trends revealed by the study varied remarkably little during the period under examination, it is believed that they are of value in indicating some of the aspects of the potential market for retail broadcast advertising.

How much retail advertising is there? In 1934 total gross time sales to retail establishments amounted to $7,183,000, or 44.9% of all local broadcast advertising. The retail classifications used in arriving at this figure were conservative, only indisputably retail establishments being classified as such. If all advertisers invested with any retail interest whatsoever—as for example, bakeries or dairy companies selling through retail establishments as well as through their own wagon routes or outlets—had been included in the classification it is probable that more than 60% of local broadcast advertising would have been included under the retail heading. Retail broadcast advertising in 1934 constituted 24.3% of all non-network gross time sales, and 9.9% of all advertising over the radio.

Retail Advertising Over Classes of Stations

The importance of retail advertising over various classes of broadcasting stations differs greatly. In the case of stations over 1,000 watts in power[1] it amounts to 16.9% of all non-network business, and to a considerably smaller portion of total broadcast advertising volume. It may be estimated roughly that retail advertising constitutes no more than 6.0% of total gross time sales of this class of station. In the case of stations of from 250 to 1,000 watts in power, the so-called regional group, retail broadcast advertising constitutes 33.1% of non-network advertising, and approximately 16.0% of total volume. With regard to stations of the 100 watt class, 43.4% of non-network advertising is retail. If all advertisers invested with a retail interest were included in this case, this figure would probably rise to more than two-thirds of total volume. It must also be remembered that the entire volume of stations of this class is non-network in nature.

In spite of the fact that the highest proportion of retail to total advertising is found on the local stations, it is the regional stations—the 250-1,000 watt group—on which the majority of retail advertising is placed. It is estimated that in 1934, approximately $4,000,000 was spent by retailers over stations of this class. Approximately $1,750,000 was spent over the 100 watt stations, while the remaining $1,400,000 was placed over stations in the high power group.

The average expenditure by retailers over each class of station, reveals another aspect to the situation. Respectively, for each class of station, this is as follows: over 1,000 watts, $22,000; 250-1,000 watts, $13,000; 100 watts, $7,000. The concentration of the larger retail establishments on the higher powered stations, and the effect of the higher station rates, are clearly illustrated.

Other than a slight tendency for a growth in the proportion of total broadcast advertising represented by retail establishments on stations over 1,000 watts in power, there was little change in the relative importance of retail radio sponsorship during the period under consideration.

Types of Retail Sponsors

There are interesting differences to be found in the types of retailers broadcasting over various classes of stations. An initial approach to this situation is found in the following table which represents the proportion of total advertising represented by retail establishments of various kinds over each class of station.

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[1] Night time power is used throughout as the basis for classification.

PROPORTION OF TOTAL RETAIL BROADCAST ADVERTISING OVER VARIOUS CLASSES OF STATIONS REPRESENTED BY DIFFERENT KINDS OF RETAIL ESTABLISHMENTS.

Type of Retail Establishment	*Class of Station* Over 1,000 w.	250–1,000 w.	100 w.
Clothing and apparel stores	24.3%	24.4%	29.2%
Department and general stores	21.1%	20.0%	12.0%
Furniture and household equipment retailers	15.4%	13.1%	11.3%
Automobile dealers	8.4%	7.8%	7.8%
Food retailers	5.4%	8.8%	7.7%
Restaurants	5.3%	3.2%	5.4%
Gasoline stations and accessory stores	4.2%	5.1%	8.2%
Miscellaneous	15.9%	17.6%	14.9%
Total	100.0%	100.0%	100.0%

Clothing and apparel stores are the most important retail advertisers on all classes of stations. They are of particular importance to stations in the 100 watt class. Advertising by clothing, haberdashery, millinery, hat, shoe stores and the like constitute nearly one-third of these stations' retail volume and more than one-eighth of their total gross time sales.

Department store advertising is equally important to regional and clear channel stations, but considerably less so to the 100 watt transmitter. There is little difference in the importance assumed by furniture, household equipment and automotive retail advertising over various classes of stations. Gasoline filling station and accessory store advertising tends to concentrate on the smaller stations.

Restaurant advertising divides itself into two classes. The larger eating places concentrate upon the high powered stations, while the small semi-neighborhood restaurants turn to the local stations. The only other trend of importance is found in the retail drug field. which constitutes 3.5% of 100 watt station retail advertising, and is practically non-existent on the other classes of stations.

Another interesting approach to retail broadcast advertising is found in the following estimate of the average expenditures per station in the various power groups by different kinds of retailers during the year of 1934.

ESTIMATED AVERAGE EXPENDITURES PER STATION OF EACH CLASS BY DIFFERENT TYPES OF RETAILERS DURING 1934.

Type of Retailer	*Average expenditure per class of station* Over 1,000 w.	250–1,000 w.	100 w.
Clothing and apparel stores	$5,300	$3,250	$2,100
Department and general stores	4,500	2,670	800
Furniture and household equipment retailers	1,200	1,170	500
Automobile dealers	1,100	430	400
Food retailers	3,200	1,650	760
Restaurants	2,000	1,050	520
Gasoline stations and accessory stores	900	680	540
Miscellaneous	3,800	2,100	1,380
Total	$22,000	$13,000	$7,000

Several additional factors should be considered while the subject of sponsorship is under discussion. The great bulk of retail advertising is concentrated upon stations of the 250–1,000 watt class. More than half of the retail radio advertising in the clothing, furniture and household equipment, gasoline and accessory fields, and more than 60% of that in the department store, food and automotive fields is concentrated upon regional stations.

There is a considerable difference as to the type of retail outlets broadcasting over different sizes of stations which is not revealed by the preceding tables. Larger stores, higher priced speciality shops and similar establishments concentrate either upon the clear channel or upon the better known regional stations. Small retailers, establishments catering to the working class—credit clothing houses, etc.—and stores enjoying trade in particular neighborhoods or sections of the city tend to center upon the local stations.

There is undoubtedly a decided variation in retail sponsorship among stations located in retail trading areas of various sizes, and indeed, these differences may be among the most important in the field. Likewise there should be some differences in both volume and type of retail advertising placed over network affiliates as against non-network stations. Unfortunately the available data is not sufficiently detailed to make possible an analysis of these factors.

Types of Rendition Used by Retailers.

The types of rendition employed by retailers in broadcast advertising forms another interesting field of inquiry. In this respect it was found that 4.5% of total retail radio advertising constituted electrically transcribed programs, 37.5% represented talent broadcast from station or store studios, 51.1% comprised of announcements, while the remaining 6.9% consisted of programs on which phonograph records were employed.

The proportion of retail business represented by types of rendition differ considerably among stations of various classes of power. Thus, in 1934, electrical transcriptions accounted for 9.8% of total retail volume over stations of more than 1,000 watts in power, 4.4% of 250–1,000 watt station retail volume, and 3.2% in the case of the 100 watt group.

In the case of studio programs employing talent, the proportion of total retail advertising represented by this type of rendition was as follows: stations over 1,000 watts, 41.7%; stations 250–1,000 watts, 37.2%; 100 watt stations 27.9%.

Announcements represented 47.5% of the retail advertising over stations of more than 1,000 watts in power; 55.1% in the case of the 250–1,000 watt class, and 49.6% with regard to the 100 watt group.

Programs using phonograph records were important only in the case of the 100 watt stations, where they accounted for 19.3% of gross time sales. In the case of stations over 1,000 watts in power, programs of this type amounted to 1.0% of the total and 3.3% with regard to 250–1,000 watts stations.

The relative importance of various types of rendition differs considerably among different kinds of retailers. Principal differences of this type are found in the following table.

PROPORTION OF BROADCAST ADVERTISING OF VARIOUS KINDS OF RETAILERS REPRESENTED BY DIFFERENT TYPES OF RENDITION.

Type of Retailer	*Type of Rendition* Electrical transcription	Live talent	Announcement	Records	Total
Automobile dealers	7.0%	20.3%	67.0%	5.7%	100.0%
Gasoline stations and accessory stores	7.2%	37.1%	53.8%	1.9%	100.0%
Clothing and apparel stores	6.8%	35.2%	49.5%	8.5%	100.0%
Department stores	6.3%	44.4%	46.6%	2.7%	100.0%
Drug stores	12.0%	27.7%	46.0%	14.3%	100.0%
Food retailers	4.1%	49.8%	43.4%	2.7%	100.0%
Restaurants	.4%	55.8%	40.2%	3.6%	100.0%
Household equipment retailers	1,8%	39.0%	56.0%	3.2%	100.0%
Furniture stores	2.4%	27.0%	62.8%	7.8%	100.0%

Though the significance of the majority of the preceding items is obvious, several require explanation. The transcription percentage for drug stores is undoubtedly partly the result of cooperative advertising, and partly of ventures such as that of Crazy Water Crystals in establishing their own retail outlets. It also will be noted that cooperative advertising probably exerts an influence on transcription volume of automobile dealers and gasoline stations.

Restaurant live talent broadcasts are higher than the average, due to remote control pick-ups from eating places having orchestras. In the main, announcement volume tends to increase as the size and the resources of the retail establishment decreases. The large proportion of automotive retail advertising probably is explained on the basis of the use of radio at auto show periods, announcement of new models and closing out of old ones, and for similar special occasions.

If one views retail broadcast advertising from the viewpoint of the dollar volume of types of rendition sponsored by various kinds of retailers, a different picture presents itself. In the case of electrical transcriptions, clothing and apparel stores are the largest users. It is estimated that the transcription volume of these stores amounted to approximately $115,000 in 1934. Department stores ranked second with estimated expenditures of about $90,000. Gasoline filling stations and accessory stores, especially the former, accounted for about $50,000 of transcription business, while automobile dealers accounted for $40,000.

In the case of live talent programs, department stores ranked first with estimated expenditures in 1934 of approximately $625,000. Other estimated expenditures during that year were as follows: Clothing, $600,000; food, $280,000; accessory stores and gasoline distributors, $200,000; furniture retailers, $165,000; household equipment retailers, $160,000; restaurants, $125,000.

Clothing stores and department stores lead the announcement field with estimated expenditures for 1934 of $800,000 and $650,000 respectively. Automobile dealers ranked third with an estimated $500,000, and furniture retailers fourth with $380,000. Gasoline stations and accessory retailers and food stores each spent approximately $250,000 during the year.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

JAMES. W. BALDWIN, Managing Director

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LARGEST CONVENTION IN NAB HISTORY

The Thirteenth Annual Convention of the NAB, held at Colorado Springs July 8-10, was the largest convention in the history of the association. Total registration was 485 as compared to 375 at the Cincinnati Convention in 1934, which constituted the previous high level of attendance.

In addition to providing opportunity for a complete discussion of the copyright problems facing the industry, a variety of business was transacted by the Convention.

Standards of agency recognition were promulgated and the Managing Director instructed to proceed with the establishment of an agency recognition bureau along the lines of plans approved by the Commercial Committee and provided the cost of the bureau is underwritten by stations desirous of availing themselves of its services.

The work of the Association toward the establishment of a cooperative bureau for coverage, listener and similar information was continued and the President was authorized to appoint a committee of not less than five to conduct such activities as might be necessary in this field and to represent the NAB in discussions or negotiations with advertisers and agencies.

A revised Code of Ethics, embracing the beneficial trade practice features of the Code of Fair Competition for the Radio Broadcasting Industry, was adopted by the convention.

The Board was authorized to consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolutions were passed petitioning the Senate to speedily enact the Duffy Copyright Bill (Senate Bill No. 3047), which eliminates the $250 minimum damages for copyright infringements; favoring the issuance of radio station licenses for a term of at least three years, and pledging the Association and its officers and directors to oppose any and all legislation and governmental regulations which would result in the abridgment of freedom of speech.

In the technical field, the Managing Director was instructed to take such steps as might be necessary to represent the best interests of broadcasting at the preparatory conferences and the actual sessions of the Fourth Meeting of the CCIR, scheduled for the spring of 1937.

The President was empowered to appoint a committee of three, one of whom should be the Managing Director, to determine the best procedure for the presentation of the United States position and proposals at the next administrative conference to be held in Cairo in 1938.

The Managing Director was also authorized to continue in the participation of the Association in the Secondary Coverage Survey.

Following a detailed discussion of the copyright question, resolutions were passed favoring the continuation of the Government's suit against ASCAP, instructing the officers and directors of the Association to support the suit, commending Joseph C. Hostetler, NAB copyright counsel, for his services to broadcasting in attempting to obtain relief from the alleged ASCAP monopoly, and affirming the action of the Board of Directors taken at their New York meeting on June 22.

The following constitute the officers and directors of the Association for the current year:

President—Leo J. Fitzpatrick, WJR, Detroit, Michigan.

First Vice President—Charles W. Myers, KOIN, Portland, Oregon.

Second Vice President—Edward A. Allen, WLVA, Lynchburg, Virginia.

Treasurer—Isaac D. Levy, WCAU, Philadelphia, Pennsylvania.

Managing Director—James W. Baldwin, Washington, D. C.

Directors

For the Three-Year Term:

*Ed Craig, WSM, Nashville, Tennessee.
*J. O. Maland, WHO, Des Moines, Iowa.
*Ralph Brunton, KJBS, San Francisco, California.
*Tom W. Symons, Jr., KFPY, Spokane, Washington.
*W. Wright Gedge, WMBC, Detroit, Michigan.

For the Two-Year Term:

Alfred J. McCosker, WOR, Newark, New Jersey.
Harry C. Butcher, WJSV, Washington, D. C.
John J. Gillin, Jr., WOW, Omaha, Nebraska.
Gordon Persons, WSFA, Montgomery, Alabama.
**Gardner Cowles, Jr., KSO-KRNT, Des Moines, Iowa.

For the One-Year Term:

William S. Hedges, WEAF, New York, N. Y.
H. K. Carpenter, WHK, Cleveland, Ohio.
I. R. Lounsberry, WGR-WKBW, Buffalo, New York.
Frank M. Russell, WRC-WMAL, Washington, D. C.
Arthur B. Church, KMBC, Kansas City, Missouri.

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*Elected at the recent convention.

**Named director by the Board of Directors until the next convention. This action by the board was made necessary because neither of the three candidates for the place received a majority of the votes cast and train departures did not permit further balloting.

PROCEEDINGS WILL BE PRINTED

The proceedings of the Thirteenth annual convention of the NAB will be published in NAB REPORTS as soon as the official transcript is available.

RESOLUTIONS ADOPTED BY NAB CONVENTION

Resolution No. 1

RESOLVED, That the National Association of Broadcasters sincerely thanks the Hon. Anning S. Prall, Chairman of the Federal Communications Commission, for the information, common sense and usefulness of his message delivered at its thirteenth annual convention, and that the membership believes that his message will serve as a potent aid in assisting the licensees of American broadcasting stations to cooperate with the Federal Communications Commission.

Resolution No. 2

RESOLVED, That the National Association of Broadcasters hereby expresses its sincere thanks to Mr. Andrew W. Cruse for his contribution to the interest and value of the thirteenth annual convention of this Association.

Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby expresses its keen appreciation to Mr. Edwin M. Spence and his convention committee for their many courtesies and the very efficient manner in which they have handled the arrangements incidental to the thirteenth annual convention of this Association.

Resolution No. 4

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to Gene O'Fallon, Chairman, F. W. Myer, G. E. Nelson, W. D. Pyle, Lou Keplinger and Mrs. Gene O'Fallon of the Local Convention Committee for their admirable services in making the thirteenth annual convention of the National Association of Broadcasters an outstanding success.

Resolution No. 5

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Broadmoor Hotel and to Mrs. Elliott, Manager of the Colorado Springs Chamber of Commerce Convention Bureau, for their splendid services in making the thirteenth annual convention of this Association an outstanding success; also to the management of the Hotel Antlers and other hotels for their courtesies in accommodating so many of our guests.

Resolution No. 6

RESOLVED, That the official acts of the Managing Director since the twelfth annual convention be and the same are hereby approved.

Resolution No. 7

WHEREAS, Philip G. Loucks has served faithfully and with distinction as Managing Director of the National Association of Broadcasters for the past five years, and

WHEREAS, mainly by reason of his untiring efforts, sane and courageous leadership, the Association has grown from small beginnings into an organization representative of every phase of the industry and exerting a vital influence in the development of this new medium of mass communication, to a position of recognized importance, both socially and economically, and

WHEREAS, Mr. Loucks has seen fit to leave the Association in favor of the practice of law, the field which has always constituted his principal interest, it is now

RESOLVED, That this convention, by a rising vote, express its deepest appreciation for the unremitting service which Mr. Loucks has rendered the Association and broadcasting as a whole, and that it extend to him the heartiest good wishes of the membership and industry for his every success in his new venture.

Resolution No. 8

RESOLVED, That the National Association of Broadcasters hereby approves and adopts the amendments to the Constitution and By-laws of said Association which were duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said Constitution and By-laws, said amendments being as follows:

1. Article III, Section (a)
   Strike out all of the section and insert the following in lieu:
   "(a) The membership of the Association shall consist of—
   (1) Any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station, to be known as an ACTIVE MEMBER.
   (2) Any person, firm or corporation associated with radio broadcasting, to be known as an ASSOCIATE MEMBER."

Article V, Section (b):
Line 2—Insert after the word "the" and before the word "members" the word "active."

Article V, Section (c):
Line 1—Insert after the word "the" and before the word "members" the word "active".

Article VII:
Line 2—Insert after the word "five" and before the word "members" the word "active".
Line 3—Insert after the word "the" and before the word membership" the word "active".
Line 6—Insert after the word "ten" and before the word "members" the word "active".

5. By-law 1, Section (a)
   Line 1—Insert after the word "dues" and before the word "shall" the words "of active members".
6. By-law 1, Section (b)
   Strike out all of the section and insert the following in lieu:
   "(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance."
7. By-law 3, Section (b)
   Line 3—Insert after the word "the" and before the word "members" the word "active".
8. By-law 4, Section (a)
   Line 2 Insert after the word "to" and before the word "membership" the word "active".
9. By-law 4, Section (b)
   Insert after the word "Each" and before the word "member" the word "active."
10. By-law 5, Section (a)
    Line 2—Insert after the word "the" and before the word "membership" the word "active".
    Line 5—Insert after the word "the" and before the word "members" the word "active".

Resolution No. 9

RESOLVED, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the Fourth Meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR.

Resolution No. 10

RESOLVED, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938; and that the committee be and they are hereby directed to make recommendations to the Board of Directors so that the same may be available for consideration at the 1936 convention.

Resolution No. 11

RESOLVED, That the action of the Managing Director in authorizing the Technical Director of the Association to cooperate actively with the FCC and the stations contributing to the conduct of the Secondary Coverage Survey be and the same is hereby approved; and that the Managing Director be and he is hereby authorized to continue such participation particularly during forthcoming conferences at which the results of the survey are to be considered.

Resolution No. 12

RESOLVED, That the opinion reached by the Engineering Committee with reference to the Federal Communications Commission's proposed fidelity standards be communicated to the Chairman of the Federal Communications Commission for his information and that of the Engineering Department of the Commission.

Resolution No. 13

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

Resolution No. 14

WHEREAS, the 1934 convention of the National Association of Broadcasters directed the chairman of the Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view of setting up a bureau for the broadcasting industry, and

WHEREAS, such committee was appointed, studied the problem and conducted discussions with the aforementioned organizations, the results of which discussions have been reported by the chairman of the Commercial Section to the Board of Directors and the convention,

THEREFORE BE IT RESOLVED, That the National Association of Broadcasters reaffirm its willingness to cooperate with the advertisers and agencies in the creation of a cooperative bureau, and that the President of the Association be directed to appoint a committee of not less than five members, to be approved by the Board of Directors and to be responsible to it, the said committee to conduct such activities as may be necessary to the establishment of such a bureau and to represent the National Association of Broadcasters in any discussions or negotiations with advertisers and/or agencies.

Resolution No. 15

RESOLVED, That the Board consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolution No. 16

RESOLVED, That the National Association of Broadcasters hereby adopts the revised code of ethics as presented in the report of the chairman of the Commercial Committee.

Resolution No. 17

RESOLVED, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio.

Resolution No. 18

RESOLVED, That the National Association of Broadcasters hereby thanks the Legislative Committee and its chairman, Henry A. Bellows, for their diligent work during the past year, and that the Association hereby recommends that the Managing Director give careful study to this report of the Legislative Committee and bring all such matters to the attention of the Board of Directors which had not been covered otherwise in resolutions adopted at this convention.

Resolution No. 19

RESOLVED, That the NAB hereby petitions the Congress of the United States speedily to enact Senate Bill No. 3047, generally known as the Duffy Copyright Bill, which brings the Copyright Act of 1909 into conformity with the pending Treaty which would permit American entry into the International Copyright Union, and which will afford relief to broadcasting stations, hotels, restaurants, public gatherings, valet shops, and so forth, by eliminating the minimum statutory damage provision and permitting the Court to determine the amount of damages.

And that a copy of this resolution be communicated to the chairman of the Patents Committee of the Senate, the Hon. Wm. G. McAdoo; to Senator Duffy; to the chairman of the Patents Committee of the House of Representatives, Representative Sirovich, and to Representative Bloom.

Resolution No. 20

WHEREAS, it is the declared policy of the Congress of the United States that the Federal Communications Commission in the administration of the radio law shall have no censorship powers over radio programs, and

WHEREAS, the greatest possible freedom of speech must be preserved to radio broadcasting, be it therefore

RESOLVED, That the NAB instructs its officers and directors to oppose any and all legislation and governmental regulations, the effect of which would result in the abridgment of freedom of speech.

Resolution No. 21

Since it is the consensus of opinion of the members of the National Association of Broadcasters that the Attorney General of the United States be commended for instituting antitrust proceedings against the American Society of Composers, Authors and Publishers, et al., and

WHEREAS, the Attorney General of the United States, the Hon. Homer S. Cummings, and the Special Assistant Attorney General, Andrew Bennett, have faithfully and diligently served the public interest by proceeding with such suit against the members of said Society with dispatch and in a commendable effort to rid the people of this country of monopolistic practices which are subversive to the business principles of a free people, and

WHEREAS, it appears that the public interest necessitates and requires that such proceedings be pressed to a final and speedy determination, it is

RESOLVED, That this Association favors and approves a continuation of the activities of the Attorney General and his staff in the Government's proceedings against the American Society of Composers, Authors and Publishers, et al, and that the President of the Association is hereby directed to express our gratitude and appreciation to the Attorney General and his staff for such action on the behalf of the public interest, and it is respectfully urged that the Attorney General and his staff continue therewith, with the assurances of our support.

Resolution No. 22

RESOLVED, That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, The Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners.

Resolution No. 23

WHEREAS, Joseph Hostetler, the counsel for the copyright activities of NAB has made a complete and full report of his activities in this respect, and since his efforts in this regard have at all times been prompted by a sincere desire to perform a distinct service to the broadcasting industry as a whole in following out the instructions that this industry gave him as its attorney, it is

RESOLVED, by this body that Joseph Hostetler should be warmly commended for his efforts to obtain relief for the broadcasting industry from the ravages of the American Society of Composers, Authors and Publishers, and it is recommended that he be given the opportunity to continue to give the same service to the NAB and the members thereof at large as he has in the past.

Resolution No. 24

RESOLVED, That the NAB hereby affirms the action of the Board of Directors taken at their New York meeting on June 22, 1935, as expressed in the following resolution:

"WHEREAS, a full report covering the recent negotiations with ASCAP has been made to the Board by A. J. McCosker, chairman of the Copyright Committee heretofore appointed, and certain of the members of the committee; and by Edward Klauber, representing CBS; A. L. Ashby, representing NBC, I. D. Levy, representing WCAU, and J. C. Hostetler, copyright counsel for the NAB; the Board makes the following declaration of principles and facts:

"1. The Board reiterates that the so-called 'per piece plan' or 'measured service plan' is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.

"2. The Board believes that the two networks and WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the copyright committee of ASCAP a 'per piece' or 'measured service' plan prior to the expiration of present contracts; and that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry to have available upon the best terms possible, the repertoire controlled by ASCAP, and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.

"3. The Board believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years from January 1, 1936, (1) in the light of the requirements of his station, (2) his contract commitments, if any, either to the network or advertisers, and (3) the fact that the suit being prosecuted by the United States has been continued until early in November, 1935, and therefore in all probability cannot be decided by the trial court prior to the date of the extension of the present license already granted which is January 1, 1936."

Resolution No. 25

RESOLVED, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years.

REVISED NAB CODE OF ETHICS

The following is the revised Code of Ethics adopted by the Thirteenth Annual Convention of the NAB. The code incorporates the principal trade practice provisions of the radio broadcasting code which were found to be of benefit to the industry. Other than this it remains substantially the same as the code adopted in 1929.

CODE OF ETHICS

1. Recognizing that the radio audience includes persons of all ages and all types of political, social and religious belief, each member station will endeavor to prevent the broadcasting of any matter which would commonly be regarded as offensive.

2. When the facilities of a member station are used by others than the owner, the member shall ascertain the financial responsibility and character of such client, that no dishonest, fraudulent or dangerous person, firm or corporation may gain access to the radio audience.

3. Matter which is barred from the mails as fraudulent, deceptive or obscene shall not be broadcast by a member station.

4. Each member station shall refuse any advertising matter regarding products or services injurious to health.

5. Each member station shall maintain a public record of its current rates charged to advertisers for the use of broadcasting time together with all discounts, rebates, refunds and agency commissions which shall be allowed to the users of such time or to their recognized agents.

6. Each member station shall refuse to accept any business on a cost per inquiry, contingent, or percentage basis, or to accord free time for commercial use.

7. No member station shall permit the broadcasting of advertising statements or claims which he knows or believes to be false, deceptive or grossly exaggerated.

8. No member station shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing or quality of service.

9. No member station shall claim for its service a character, scope or quality which cannot be substantiated, nor shall it claim as regular characteristics of its service features which it knows to be purely temporary or accidental.

10. Where charges of violation of any article of the code of ethics of the National Association of Broadcasters are filed in writing with the Managing Director, the Board of Directors shall investigate such charges, give opportunity for hearing and afterwards notify the station of its findings.

AGENCY RECOGNITION BUREAU AUTHORIZED

The establishment of an agency recognition bureau, similar to that maintained by other major media, was authorized by the Convention on the basis of a detailed plan recommended by the Commercial Committee. The plan was the result of an intensive study of the recognition practices and the suggestions of more than 200 stations and an analysis of similar bureaus maintained by other media.

The work of the bureau, when established, will include the collection of information from agencies on the basis of which recommendation for recognition can be made, the publication of lists of recognized agencies, and the operation of a credit clearing house, whereby credit information will be made available to subscribing stations.

The bureau will be established only if the costs of its first year of operation are underwritten by stations desiring to avail themselves of its services. Details regarding the project will be mailed to all member stations very shortly.

The following are the conditions governing agency recognition which were approved by the Commercial Committee and incorporated in the plan recommended by the Convention:

Conditions Governing Agency Recognition

The broadcaster looks upon the advertising agency as a necessary element in the creation of advertising and in the development of advertising volume. For those essential services to the station it grants the agency a commission.

Station —— will recognize advertising agencies as being eligible to be granted agency commissions only upon their fulfillment of the following conditions:

1. *Financial Responsibility.* To that end, the agency must furnish evidence of its financial responsibility. It must have resources adequate to its needs and business practices that are sound.
2. *Demonstrated Ability.* The principals as individuals and the agency as an organization, must have demonstrated their ability to develop and serve advertisers and to render broadcast advertising service. The individual applicant must have presented satisfactory evidence of his or its integrity and financial ability to meet its obligations.
3. *Bona Fide Service.* To the end that it may render bona fide economic service to advertiser and broadcaster alike, the agency
   (a) must be operating primarily in the agency field:
   (b) must not be prejudiced in its judgment of media or forms of advertising service by investment or interest in any organization engaged in the sale of advertising or its mechanics.
   (c) To ensure the bona fide translation of the commission granted by the station into service, the agency must not rebate, either directly or indirectly, any portion of its commission to any third party.
4. *Cooperative Practice.* The agency must be willing to establish a continuing cooperation with the Association—ready to give necessary, proper and accurate information as to its financial condition and methods of operation upon reasonable request.
5. *Duration of Recognition.* Final recognition will be granted only following a probationary period. Recognition will continue for so long as the agency complies with the conditions set forth herein.

Special Conditions Governing Payment of Commissions

Station —— further states that the following conditions will govern the payment of commissions to recognized agencies:

1. No agency commission will be paid on accounts which the station has developed and where the salesman has secured the order and schedule prior to a recognized agency being appointed to handle the account. Regular commissions will be paid however, to a recognized agency on any subsequent contract schedule or service which may be placed through or performed by the said agency for the same account.
2. No agency commission will be paid for business placed at the station's retail or local rate unless specifically provided for in the rate card.

COOPERATIVE BUREAU COMMITTEE NAMED

President Fitzpatrick, has named, with the approval of the Board of Directors, the following committee to continue the work of the Association with regard to the possible establishment of a cooperative bureau of listener data and similar information to be maintained jointly by the broadcasters, advertisers and advertising agencies: Arthur B. Church, Chairman, Edgar Kobak, J. O. Maland, H. K. Boice, and A. J. McCosker. J. V. L. Hogan, consulting radio engineer has been appointed an advisory member of the committee on engineering matters. Dr. Herman S. Hettinger, NAB Research Director and University of Pennsylvania faculty member, will continue to advise the committee on research and similar matters.

NAB AND RMA COOPERATE IN RADIO AWARDS

Cooperation between the NAB and RMA in the setting up of annual awards in broadcasting similar to the Pulitzer prizes in the publication field was instituted when President Fitzpatrick was authorized by the Board of Directors to appoint a committee of three to represent the NAB in working out plans with a similar committee from the RMA. The resolution calling for the appointment of the committee followed an invitation to cooperate in the creation of awards extended by Bond Geddes, Executive Vice President of the RMA. The committee will be appointed in the near future.

NEW MEMBERSHIP CLASS CREATED

A new class of membership, known as Associate Membership, has been established under amendments to the Constitution and By-Laws adopted by the convention.

Under the new plan, active membership will be restricted to persons or corporations engaged in the operation of radio stations. Other individuals or corporations associated with radio broadcasting and wishing to become members of the Association will be eligible to make application for associate membership.

Annual dues of associate members will be $250 annually, payable quarterly in advance. Only active members are entitled to voting power in the association.

CENSORSHIP FOR FOREIGN PROGRAMS

Two bills, S. 3261, introduced by Senator Walsh of Massachusetts, and H. R. 8852, introduced by Congressman McKeough of Illinois, if enacted will require prior approval by the Secretary of State, of any radio address or radio program broadcast by or for or in the interest of any foreign government. The text of the bills, which is identical, follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 317 of the Communications Act of 1934 is hereby amended by adding thereto as subsection (B) the following:

"(B) Any radio address or radio program broadcast by or for or in the interest of any foreign government, or subdivision thereof, or person interested therein shall not be broadcast by any licensee until such radio address or radio program has been submitted to the Department of State and the approval of the Secretary of State has been secured in writing and is filed with such licensee. Any licensee permitting the broadcasting of any radio address or radio program by or for or in the interest of any foreign government, or subdivision thereof, or any person interested therein, without having on file, prior to such broadcast, the written approval of the Secretary of State, shall be penalized by the immediate revocation of such license."

FCC HEARS A. T. & T. ON COAXIAL CABLE

The Federal Communications Commission, sitting en banc, on July 15 heard the joint application of the New York Telephone Company and the American Telephone and Telegraph Company for authority to construct an experimental coaxial cable from New York to Philadelphia. The application aroused some interest because of the possibility of the use of this type of cable for local and intercity distribution of television programs in addition to its many possibilities in the existing commercial communications field.

The A. T. & T. Co. some time ago entered into a stipulation with the Postal and Western Union companies to the effect that the proposed cable would not be used commercially without further hearing before the Commission. In the opening statement of counsel for the petitioner a stipulation was proposed to the effect that the proposed cable would be used only experimentally, and that further application would be made to the Commission for authority for commercial use if such use should appear desirable after completion of experiment. The Commission thereupon took official notice of the suggested stipulation and limited the testimony to experimental phases of the proposed cable.

Dr. Frank B. Jewett, President of Bell Telephone Laboratories, was the principal witness for the petitioner. Dr. Jewett described the construction of the cable and discussed at considerable length the various factors believed by him to make the proposed installation in the public interest.

The National Association of Broadcasters intervened in the proceedings and was represented by James W. Baldwin, Managing Director, and J. C. McNary, Technical Director.

Examination of witnesses developed, among other things:

1. That the manufacturing costs incidental to the construction of the cable (which may be reflected in subsequent capitalization of the project and of proposed tariffs for commercial use) are in no wise controlled by competitive bids.
2. That the proposed cable is adaptable to all known Television Systems.
3. That although there had been certain conversations between the applicant and the RCA both before and after the filing of the application, no agreement exists between A. T. & T. Co. and any television experimenter concerning the use of the cable.
4. That A. T. & T. Co. has no plans for the use of this type of cable for distribution of programs to telephone subscribers by wired radio or otherwise.

The application requests authority to construct a cable consisting of two concentric transmission lines and several signal circuits within one lead sheath, providing for two way communication if desired. The repeaters proposed to be associated with the cable are to be spaced every ten miles. The repeaters will obtain their power from a 60-cycle supply over the cable itself and are designed to provide substantially uniform transmission over a frequency range of one megacycle. The Western Electric Company was stated not to have developed terminal apparatus for television purposes but to be in a position to do so if it should later appear desirable.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued against the following concerns by the Commission:

Nos. 2035, 2121, 2123-30. Great Northern Fur Dyeing & Dressing Co., Inc., and others, Long Island, N. Y.; Mendoza Fur Dyeing Works, Inc., and Van Dye Way Corporation, of New York City; Oakland Fur Dyeing, Inc., and Iceland Fur Dyeing Co., of Brooklyn, N. Y.; Bayonne-Newland Fur Dressers & Dyers, Inc., Jersey City, N. J.; A. Hollander & Son, Inc., and others, Joseph Hollander, Inc., Hudson Fur Dyeing, Inc., and Philip A. Singer & Bro., Inc., all of Newark, N. Y.

A modified order has been issued providing that the term "Hudson Seal" may be used to describe the color or character of the dye of muskrat fur, such as "Hudson Seal-dyed Muskrat," but the word "Hudson" alone or in connection with other words, may not be used to describe dyed cony (rabbit) fur. The order provides that the description for cony dyed to stimulate seal shall be "Seal-dyed Cony."

No. 2171. Butterick Publishing Co., McFadden Publications, Inc., Frank A. Munsey Co., Street & Smith Publications, Inc., Pictorial Review Co., International Circulation Co., Inc., S-M News Co., Inc., and Midwest Distributors, Inc.

The order prohibits the respondents, by agreement, combination or concert of action among themselves or with others, from preventing or seeking to prevent any person, firm or corporation lawfully owning secondhand or back-number magazines from selling them to distributors or dealers.

Also, the order bans the joint action of causing or seeking to cause wholesalers of magazines to prevent newsdealers or other retailers from dealing in second-hand or back-number magazines, or in any manner interfering with the business of distributors or dealers in second-hand or back-number magazines.

Provision is made in the order that nothing therein shall prevent the respondents from agreeing to take such action against wholesalers and retailers of their magazines as may be reasonably necessary to prevent unsold publications, for which the respondents have reimbursed the dealers, from being again placed on sale as reading matter.

Nos. 2251, 2263-67, 2270, 2276, 2277 and 2280. Akron Candy Co., Akron, O.; Bonita Co., Fond du Lac, Wis.; A. McLean & Son, Chicago, Ill.; M. J. Holloway & Co., Chicago, Ill.; Ryan Candy Co., Dallas, Tex.; Meadow Brook Candy Co., Moline, Ill.; Dante Candy Co., Chicago, Ill.; Sifers Confection Co., Hammond, Ind.; and Magic City Candy Co., Birmingham, Ala.

The orders direct these companies to cease and desist from selling candy to jobbers and wholesale dealers so packed that its sale may be made by means of a lottery, also from supplying or placing in the hands of wholesalers or jobbers packages of candy which may be used without rearrangement of the contents so as to conduct a lottery, gaming device or gift enterprise.

No. 2287. James D. Boulger, Greenfield, Mass., trading as the Eastern Textile Co. The respondent is prohibited from using the words "Dress Goods" to describe remnants sold, unless and until there appears in conjunction therewith in equally conspicuous letters the word "Remnants." It was said that Boulger, in his advertisements, offered remnants for sale as "Dress Goods" in such a manner as to mislead the purchasing public into believing that all of the remnants were suitable for making dresses when in fact most of them were not of sufficient size or quality to be used for such purpose.

Boulger is also directed to stop employing the phrase "Direct to You" in connection with or in close proximity to the word "Mill," and from using the words "Direct to You" or "Direct from the Mill," unless and until he owns and operates a factory from which the remnants are shipped directly to the purchasers.

Other representations are also enjoined in the Commission order.

No. 2393. Harry Shiftman, New York City, trading as Eagle Supply Co. Shiftman is directed to cease using the phrase "Manufactured by Masterkraft Color Co., Brooklyn, N. Y." in advertisements of paint or on labels unless and until such company becomes "in reality an existing and operating concern and such paint has been manufactured by such concern." The respondent consented to the issuance of the order.

Stipulations

No. 0874. Nurse Wilson Products, Buffalo, N. Y. The respondent, selling a remedy for obesity, called "Nurse Wilson Reducor," agrees to stop advertising that this preparation is both harmless and safe to use, and that it is the result of many years of research by a brilliant English physician.

No. 0875. G. M. Drug Co., Dallas, Texas. The company agrees no longer to advertise its "Gordon's Compound" as a competent treatment for stomach and bowel troubles unless the assertion is limited to gastric hyperacidity and sour stomach and to such functional disorders as would be relieved by a mild laxative or astringent and for which this preparation may be a remedy.

No. 1040 (Amended.) Maynard, Inc., Chicago and New York. The respondent, a cosmetic manufacturer, has entered into a stipulation with the Federal Trade Commission to cease and desist from use of the words "Containing Turtle Oil" as a part of or in connection with the labels affixed to the containers in which its facial cream is packed. This company also will discontinue use of other similar or equivalent words or expressions which may have a tendency to mislead buyers into believing that the oil content of the facial cream is composed in substantial part of turtle oil, when this is not true.

No. 1398. American Gold Vintages, Inc., New York City. Wines charged by artificial means with carbon dioxide and not made effervescent by natural fermentation, will no longer be advertised by the respondent, by designations such as "Sparkling Burgundy," unless such description is accompanied by other words or phrases like "Carbonated," "Artificially Carbonated" or "Carbon Dioxide Added" in plain and distinct type. This company has signed a stipulation to that effect with the Federal Trade Commission.

The respondent also will cease using the word "Champagne" to describe a product not produced by natural fermentation in the bottle.

No. 1400. William E. Harrison, New York City, trading as the Harrison Radio Company. The respondent agrees to cease and desist from advertising that he will refund money paid by dissatisfied purchasers of radio sets, without at the same time disclosing the fact that a deduction will be made for the cost of reconditioning returned merchandise.

Harrison is said to have sold short-wave-length radio sets and equipment, advertising that dissastified purchasers could return the merchandise within five days and receive a refund of their money, but to have failed to make known that it was his practice to deduct ten per cent from the amounts refunded for the cost of reconditioning the returned merchandise.

No. 1401. Gus Stephens, Chicago, trading as the Tested Specialities Co. The respondent agrees to cease advertising his product called "On-The-Nose" by means of such phrasing as "effective against distemper" or "positive remedy for distemper" or other phrases which may have a tendency to deceive buyers into believing that the product is a remedy for dog distemper, according to the stipulation. Stephens will cease publishing on letterheads or other forms of advertisements that he has laboratories or factories in the United States or Canada, when this is not true.

No. 1402. Reliable Merchandise Co., Chicago, Ill. The company also agrees to cease representing by word or picture that it owns or occupies a large office building or owns a factory, when this is not true.

Reliable Merchandise Co. is said to have advertised in its catalogues and price lists certain prices for lotions, toilet water and razor blade hones, when in fact these selling values were greatly exaggerated and such products had not been made with the intention that they would be sold at such enhanced prices, according to the stipulation.

No. 1403. Spiegel, May, Stern & Co., Chicago, Ill. The respondent will cease and desist from using in its catalogues or otherwise the words "Wool Face," either alone or in connection with other words, to describe its products so as to imply, or in a manner which may have a tendency to deceive buyers into believing, that the rugs or the face of the rugs are made of wool. Provision is made, however, that when the rugs or the face of the rugs are composed in substantial part of wool, and the words "Wool Face" are used, these words are to be accompanied by other words in equally conspicuous type clearly showing that the article is not made entirely of wool.

The corporation also agrees to cease representing that its rugs have "greater wearing qualities than similar rugs that have always sold for as much as ten times the price," and will cease advertising that the shipping weight of its product is "43 lbs" or of any other designated shipping weight which is in excess of the actual amount.

No. 1404. Lewis Cooper, Chicago, formerly trading as Berkshire Co., Publicity Department, but now as Lancaster China Co., Publicity Department.

Cooper will no longer use on coupons or otherwise, ambiguous and misleading representations respecting the terms and conditions on which the coupons are to be redeemed, and especially with reference to payment by customers for premiums. He will cease using on coupons or otherwise exaggerated representations respecting the selling value of the premiums to which retailers' customers may become entitled.

No. 1405. Reliable Tire Co., Chicago, Ill., trading as York Tire and Rubber Co. and as the Globe Tire and Rubber Co. The respondent has stipulated with the Federal Trade Commission to cease unfair advertising practices. The company engages in the purchase, repair and resale of used automobile tires.

Advertising "new low tire prices" and a guarantee of twelve months' service, the company made known that it sold certain well-known makes of tires. The stipulation points out that they were not new tires nor were they "reconstructed" or retreaded, but that reconditioning was limited to the repair of worn or damaged portions and to vulcanizing and painting the tires so that they presented a new appearance.

Use of the word "reconstructed" or words of similar import to designate its process of reconditioning tires will be discontinued, under the stipulation, as will be use of the word "reconstructed" or similar expressions which may tend to deceive buyers into believing that these tires are reconditioned or rebuilt, when this is not true.

No. 1406. Miordrag Jelisjevich, New York City, trading as the Pioneer Sound Laboratory. The respondent agrees to cease using "all wave" as descriptive of his products when they are not capable of reception over the entire meter range covering all broadcasts and commercial transmissions, and to cease implying in advertisements that users of his radio receiving sets can have world-wide or foreign reception at will and with satisfactory volume.

The respondent's advertising was said to be misleading and deceptive to the purchasing public, who are not aware that there are no receiving instruments that will give easily tuned, satisfactory reception over short waves from foreign countries under all conditions.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

Nos. 2451-55, 2470-79, 2481, 2486-89. Kelly Brewing & Malting Co., Paterson, N. J.; trading as Rosecrest Distillers; Dominion Distilleries, Inc., Jersey City, N. J.; Paramount Distilleries, Inc., Cleveland, Ohio; Byrd Distilling Co., Louisville, Ky.; Imperial Distillers Corp., Los Angeles, Calif.; Colonial Distilling and Distributing Corporation, New York City; Campbell Distilleries, Inc., Camden, N. J.; Massachusetts Breweries & Distilleries Corporation, Boston; Hercules Products & Distilling Corp., Brooklyn, N. Y.; United Distilling Company, Cincinnati; Distillers Exchange, Inc., New York City; L. Musil Distilling Company, Racine, Wis.; Nacional Destilerias Corporation, Indianapolis; Valley Springs Distillery, Inc., Chicago; Sunnyland Distilling Co., Inc., Louisville, Ky.; Ambur Distilleries, Inc., Milwaukee, Wis.; United Distillers & Winers, Inc., Detroit, Mich; United Importers & Distillers, Inc., New Haven, Conn.; Consolidated Distillers Corporation, Baltimore, Md.; Mount Rose Distilling Co., Trenton, N. J.

No. 2456. Blackwell Publishing Co., publishers of the Blackwell (Okla.) *Daily Journal*. The complaint charges the *Journal* with selling advertising space at a price substantially below the cost of setting up and printing the advertisements, and substantially below the cost at which its competitor, the Blackwell *Tribune*, can set up and publish the advertisements, thus forcing the *Tribune* either to forego this vital part of its business or to operate at no profit or at a loss.

Journal representatives are alleged to have falsely represented to *Tribune* subscribers that the *Tribune* was on the verge of financial failure and soon would be forced to suspend publication, and that subscribers to the *Tribune* would lose all or a greater part of the money paid to the *Tribune* for subscriptions. The complaint also charges that the *Journal* further sought to deprive the *Tribune* of subscribers by offering them its own paper without charge for the remaining term of their subscriptions to the *Tribune,* on condition that they would thereafter subscribe only to the *Journal.*

The practices of fixing advertising rates below a profitable return and of making disparaging statements of the *Tribune's* financial condition are alleged to have the purpose and intent of forcing the *Tribune* out of business in Blackwell, Okla., and other territory served by both papers, and thereby to gain for the *Journal* a monopoly of the newspaper business in that territory. Both papers circulate in Oklahoma and southern Kansas.

The respondent is given until Friday, August 2, to show cause why there should not be issued an order to cease and desist from the practices alleged in the complaint.

No. 2457. New England Collapsible Tube Co., New London, Conn., and Robert P. Gust Co., Inc., Chicago, Ill. Engaged in the manufacture of dentifrices, the New England firm is alleged to have sold four tooth pastes or creams in tubes and cartons simulating in size, shape, dress and appearance the tubes and cartons of four well-known dentifrice companies, but with fictitious company names and the printed price in excess of that at which these products ordinarily would have been sold.

Tubes and cartons in which the New England company's four dentifrices were sold are described as similar in size, shape and other characteristics to the tubes and cartons of four nationally-known brands, namely, Squibb Dental Cream, Forhan's, Ipana Tooth Paste, and Pepsodent Tooth Paste.

Respondent caused the fictitious price of fifty cents to be marked on the ends of its cartons, according to the complaint. The brand names, also said to be fictitious, were as follows: "Quire's Milk of Magnesia Dental Cream—Quire Laboratories, New York—50¢; Forsyth Dental Cream—Forsyth Labs., New York, N. Y.; Payne's Tooth Paste—Payne Laboratories, New York—Price 50¢; and Palmer's Tooth Paste—Palmer Laboratories, New York, N. Y.—50¢."

The Robert P. Gust Co., Inc., manufacturers' sales agent, is alleged to have sold the four dentifrices made by the New England Collapsible Tube Co.

No. 2485. Philip Welsh, Pacific Palisades, Calif., trading as the Welsh Foundation. The respondent's advertisements of his booklet called "The 7 Essentials of Health" are alleged in the complaint to have a tendency to deceive the buying public into believing that this booklet contains instructions and secrets of life and modes of living that will prevent and cure all or most of the diseases of mankind.

The complaint alleges that Welsh's instructions are not such as to prevent or cure all diseases and that many of his instructions are mere repetitions of facts of common knowledge.

No. 2483. Try-Mo Radio Co., Inc., New York City. Advertisement of "All-Wave Receivers," "Powertone World Wide Short-Wave Products" and "Powertone World Reception" is alleged to be false and misleading in that none of the respondent's products makes it possible for the operator to receive through a single instrument either the domestic broadcast band or the foreign broadcast band at his pleasure.

No. 2490. T. S. Craig, Dallas, Texas, dealer in hosiery, trading as the United Silk Co.

Among practices alleged is the representation to purchasers that the respondent will deliver to them hosiery of the size and color desired and of the quality or grade represented by the sample, when in fact, according to the complaint, he ships stockings of a quality or grade inferior to the sample selected and inferior to the quality indicated by the purported mill number description. It is charged that after discovery of this and complaint by the purchaser, Craig fails and refused to make good his representations and promises.

The complaint says the respondent's use on blanks of the name "United Silk Co.," and the designation "Dallas Office" and use of the term "Mill No." with the description and price of each quality or grade, causes prospective purchasers to believe that they are dealing with an established, substantial concern carrying in stock or having available for delivery hosiery of the quality indicated by the mill number, when this is not true.

No. 2480. Glenn Leach, trading as G. Leach & Co., Pittsburgh, Pa. The respondent, who is engaged in the sale of earthenware kitchen utensils in competition with dealers in aluminum and other utensils, is said to have falsely represented that consumption of food prepared or kept in aluminum utensils causes diseases such as ulcers, cancers and cancerous growths.

Leach is also alleged to have represented falsely that the price of his wares is much lower than the regular retail price and that he is a manufacturer. The complaint points out that Leach does not manufacture the ware sold by him but buys it from a factory owned and operated at Roseville, Ohio. It also charges that Leach also advertised his product as fire resistant when this was not true.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act;

Incorporated Investors Voting Trust, Boston, Mass (2-1486, Form F-1).
Incorporated Investors, Boston, Mass. (2-1487, Form A-1).
Equitable Investment Corporation of Massachusetts, Boston, Mass. (2-1488, Form A-1).
Bayonne Bolt Corporation, Bayonne, N. J. (2-1489, Form A-1).
Texas San Antonio Corporation, Dallas, Texas (2-1490, Form E-1).
Metropolitan District New Homes Corp., New York City (2-1491, Form C-1).
Allegheny Steel Company, Breckenridge, Pa. (2-1492, Form A-2).
Allegheny Steel Company, Breckenridge, Pa. (2-1493, Form A-2).
Godhaux Sugars, Inc., New Orleans, La. (2-1494, Form A-1).
United Securities Company of Mo., Kansas City, Mo. (2-1495, Form C-1).
United Securities Company of Mo., Kansas City, Mo. (2-1496, Form C-1).
Esmeralda-Parral Mining Company, Philadelphia, Pa. (2-1497, Form A-1).
No. 1—Roseld Avenue Deal Corp., Trenton, N. J. (2-1499, Form E-1).
Midcontinent Carey Trust, Tulsa, Okla. (2-1500, Form A-1).
Olympic Forest Products Company, San Francisco, Cal. (2-1501, Form A-1).
Spiegel, May Stern Company, Chicago, Ill. (2-1502, Form A-2).
Hassinger-O'Brien Lease, Butler, Pa. (2-1504, Form A-1).
Gyro Air Lines, Inc., Denver, Colo. (2-1505, Form A-1).
New York Water Service Corp., Long Island, N. Y. (2-1506, Form A-2).
Noel & Company, Nashville, Tenn. (2-1509, Form D-1A).
Noel & Company, Nashville, Tenn. (2-1510, Form E-1).
Cleveland Railway Company, Cleveland, Ohio (2-1511, Form A-2).
Medusa Portland Cement Co., Cleveland, Ohio (2-1512, Form A-2).
Northern Ohio Telephone Co., Bellevue, Ohio (2-1513, Form A-2).
United Wholesale Druggists, Inc., Boston, Mass. (2-1514, Form A-1).
North Central Gas Company, Casper, Wyom. (2-1515, Form A-1).
Anglo American Mining Corp. Ltd., San Francisco, Cal. (2-1516, Form A-1).
Citizens Mortgage & Securities Co., Inc., Springfield, Mo. (2-1518, Form A-1).
Reynolds Spring Company, Jackson, Mich. (2-1519, Form A-2).
Abbott Laboratories, North Chicago, Ill. (2-1522, Form A-2).
Edward G. Budd Mfg. Co., Philadelphia, Pa. (2-1524, Form D-1A).
Edward G. Budd Mfg. Co., Philadelphia, Pa. (2-1525, Form E-1).
Sussex Fire Insurance Co., Newark, N. J. (2-1526, Form A-1).
The Wehle Brewing Co., West Haven, Conn. (2-1527, Form A-1).
American Seating Company, Grand Rapids, Mich. (2-1528, Form A-2).
American Seating Company, Grand Rapids, Mich. (2-1529, Form D-1A).
W. H. Walburg et al., Dayton, Ohio (2-1530, Form F-1).
Peoria Distilleries, Inc., Peoria, Ill. (2-1531, Form A-1).
Virginia City Mining Company, Butte, Mont. (2-1532, Form A-1).
Muskegon Piston Ring Co., Muskegon, Mich, (3-1533, Form A-2).

Refugee Economic Corp., New York City (2-1534, Form A-1).
The Hurth Hotel Bondholders Committee, Cincinnati, Ohio (2-1536, Form D-1).
Michigan Chemical Corporation, St. Louis, Mo. (2-1537, Form A-1).
American Toll Bridge Company, Vallejo, Cal., (2-1540, Form A-1).
Amarillo Producers Company, Amarillo, Texas (2-1541, Form A-1).
Gold Shore Mines, Ltd., Winnipeg, Canada (2-1543, Form A-1).
Brown Shoe Company, St. Louis, Mo. (2-1544, Form A-2).

WORLD RADIO FIGURES RELEASED

There are 56,247,429 radio sets in operation in the world today, according to a bulletin just released by the Electrical Division of the Bureau of Foreign and Domestic Commerce.

The United States leads the world with 25,551,569 radio sets, including automobile sets and similar units in addition to those installed in homes. The number of sets in operation in other leading countries is as follows: Great Britain, 7,055,464; Germany, 6,734,745; France, 2,763,123; Russia, 2,000,000; Japan, 1,859,987; Canada 812,335; and Argentinia, 600,000.

ADVERTISING BIBLIOGRAPHY PUBLISHED

A bibliography, containing all recent books of any importance dealing with advertising and related fields, has been published recently by the Advertising Federation of America. The bibliography has been divided conveniently into various fields such as advertising agencies, copy, media, specific fields of advertising chain stores, cooperative marketing, law of advertising, radio advertising, advertising and marketing research and similar headings.

The bibliography is the work of Alfred T. Falk, Director of the Bureau of Research and Education of the Advertising Federation of America. Copies may be procured by writing the Federation headquarters, 330 West 42nd Street, New York City. The cost is fifty cents.

NEW MARKET DATA AVAILABLE

The first data to correlate income and the consumption of goods within the same families in various income classes has just been published by the Bureau of Foreign and Domestic Commerce in a study entitled "Consumer Use of Selected Goods and Services by Income Classes, Austin, Texas." Building materials, heating apparatus, fuel for heating and for cooking, bathing facilities, mechanical refrigeration and automobiles are the items treated in the report.

This is the first report of a series which will include communities in each Census District. Since the information revealed by the various reports will probably be indicative of the situation in wide areas of the country, broadcasters will do well to consider this data in their market analyses. Copies may be secured from the Bureau of Foreign and Domestic Commerce, Washington, D. C., at a price of ten cents per copy.

NEW NORTH DAKOTA STATION RECOMMENDED

George B. Bairey filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Valley City, N. D., to use 1500 kilocycles, 100 watts power and unlimited time on the air.

Melvin H. Dalberg(e) in Report No. I-68 has recommended that the application be granted. The Examiner found that the applicant is in all ways qualified to operate the proposed station and that the granting of the application would in no way cause interference with existing radio facilities nor with pending applications.

BILL AUTHORIZES ACCOUNTANTS

The House Committee on Interstate and Foreign Commerce has made a favorable report on S. 1336 to amend paragraph (f) of section 4 of the Communications Act of 1934.

The bill authorizes the employment by the Federal Communications Commission of a chief accountant and not more than three assistants. No provision is made in the Communications Act for such employees. The bill has already passed the Senate.

OREGON DENIAL RECOMMENDED

Carl C. Struble applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at The Dalles, Ore., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

John P. Bramhall(e) in Report No. I-73 recommends that the application be denied. The Examiner found that the applicant failed to show that he has had any experience or is particularly qualified to erect and manage a station and his financial assets are not sufficient to warrant such a station.

NEW APPLICANT DEFAULTS

Radio Service, Inc., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Las Vegas, Nev. to use 1200 kilocycles, 100 watts power and unlimited time on the air.

P. W. Seward (e) in Report No. I-71 recommends that the application be denied as in cases of default. When the hearing was called there were no appearances.

LICENSEES ABSENT AT RENEWAL HEARING

M. B. Scott and Edward C. Strum, operating Station KPJM, Prescott, Ariz., applied to the Commission for license renewal. The station's operating assignment was 1500 kilocycles, 100 watts power and unlimited time.

The same Examiner in Report No. I-70 recommends that the application be denied on the basis that when the hearing was held there were no appearances.

WHBC AND WJW OBTAIN FAVORABLE REPORT

Station WJW, Akron, Ohio filed application with the Federal Communications Commission asking that its daytime power be increased from 100 to 250 watts power. WHBC, Canton, Ohio, asked that its daytime power also be increased from 100 to 250 watts and that it be granted specified hours of operation. Station WHBC also asked that its time be changed from specified hours to unlimited time.

George H. Hill(e) in Report No. I-69 recommended that the application of Station WJW be granted increasing its power and also that the application of Station WHBC be granted for both increasing its power and the unlimited hours of operation "on condition that the applicant install an antenna which complies with the recommendations of the Engineering Department of the Commission."

RECOMMENDS FREQUENCY CHANGE FOR KTFI

Broadcasting station KTFI, Twins Falls, Idaho using unlimited time, 1240 kilocycles, and 500 watts day and 1,000 watts night has applied to the Federal Communications Commission to change its frequency to 630 kilocycles and surrender the special experimental authorization it now has permitting it to use 1,000 watts night on an experimental basis.

Ralph L. Walker(e) in Report I-75 has recommended that the application be granted. The Examiner found that the record discloses a substantial need for additional service in the area and it was found that this could be allowed without interference with any existing station.

RECOMMENDS AGAINST PENNSYLVANIA STATION

F. L. Whitesell filed an application with the Federal Communications Commission asking for a permit for the erection of a new broadcasting station to be erected at Forty Fort, Pa., to use 930 kilocycles, 500 watts power and daytime operation.

R. H. Hyde(e) in Report No. I-74 has recommended that the application be denied. The Examiner found that the applicant's evidence did not afford convincing proof that if the new station were permitted, it would be financed in such a manner as to serve public interest. It is also contended that the proposed station would cause interference with existing stations.

RECOMMENDS AGAINST TWO TEXAS STATIONS

The Brownsville Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Brownsville, Texas, to use 1370 kilocycles, 100 watts power and unlimited time. Application was also made to the Commission by the Denton Broadcasting Company for the erection of a station at Denton, Texas, to use 1420 kilocycles, 100 watts power and day-time operation.

Ralph L. Walker(e) in Report No. I-72 recommends that both of the applications be denied. The Examiner found that the evidence in either case did not show that sufficient talent was available at either Texas point or that the stations would receive adequate financial support.

WAGNER-CONNERY LABOR RELATIONS ACT

[PUBLIC—No. 198—74TH CONGRESS]

[S. 1958]

AN ACT

To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND POLICY

SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

DEFINITIONS

SEC. 2. When used in this Act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133[1] approved June 14, 1935.

NATIONAL LABOR RELATIONS BOARD

SEC. 3. (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

SEC. 4. (a) Each member of the Board shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

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[1] So in original.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil service status. All records, papers ,and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

SEC. 6. (a) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided,* That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided,* That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9 (a).

REPRESENTATIVES AND ELECTIONS

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided,* That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain [1] such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under sub-sections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

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[1] So in original.

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

INVESTIGATORY POWERS

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

LIMITATIONS

SEC. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a)), as amended from time to time, or of section 77 B, paragraphs (l) and (m) of the Act approved June 7, 1934, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States' approved July 1, 1898, and Acts amendatory thereof and supplementary thereto" (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided,* That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

SEC. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC..16. This Act may be cited as the "National Labor Relations Act."

Approved, July 5, 1935.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, July 25, 1935

NEW—F. N. Pierce, Taylor, Texas.—C. P., **1310 kc.,** 100 watts, daytime.

WRJN—Racine Broadcasting Corp., Racine, Wis.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 100 watts, unlimited time.

APPLICATIONS GRANTED

WOW—Woodmen of the World Life Ins. Asso., Omaha, Nebr.—Granted modification of C. P. authorizing approval of transmitter site, change type of equipment, and extend commencement date to within 30 days after grant and completion date to within 90 days thereafter.

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted license to cover C. P. authorizing move of station from Mt. Orab to Portsmouth, Ohio, and installing of new equipment; **1370 kc.,** 100 watts, unlimited time.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted license to cover C. P. for local move of transmitter; **1500 kc.,** 100 watts night, 250 watts day, unlimited.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted license to cover C. P. authorizing erection of new station to operate on **1420 kc.,** 100 watts, unlimited time.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted license to cover C. P. authorizing increase in power from 25 to 50 KW and installing new equipment.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Granted consent to voluntary assignment of license to Olean Broadcasting Co., Inc.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, for the period July 1 to July 31, 1935, in order to broadcast local civic and political activities.

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted 30-day temporary authority to operate from 8 a. m. to 2 p. m. and from 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6, and 7:30 to 9 p. m., CST, as at present licensed.

WMFI—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. approving transmitter and studio sites, make changes in equipment, and extend completion date to 60 days after grant.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority to operate on **1100 kc.,** unlimited time, using directional antenna at night, for the period August 1, 1935, to February 1, 1936.

WOKO—WOKO, Inc., Albany, N. Y.—Granted C. P. to move transmitter due west of old location to a site located at intersection of Central Avenue and Tremont Street, and erect a ¼ wave vertical radiating tower; also make changes in equipment.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover C. P. authorizing move of transmitter from Waterloo to a site 7½ miles northeast of Cedar Rapids.

WJJD—WJJD, Inc., Mooseheart, Ill.—Granted C. P. to move transmitter to Des Plains, Ill., and erect a new vertical radiator.

KLUF—Geo. Roy Clough, Galveston, Tex.—Granted extension of special experimental authority to operate with 250 watts daytime for the period ending January 1, 1936.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted C. P. for new station to operate on **1140 kc.,** 250 watts, daytime.

W1XCW—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, Portable (St. Albans, Vt.).—Granted license to cover C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 20 watts.

W9XGM—WCBD, Inc., Portable (Waukegan, Ill.).—Granted license to cover C. P., frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts.

W10XCL—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to operate under Rule 320 (broadcast pickup) instead of Rule 307. (Present assignment: **31100, 34600, 37600, 40600 kc.,** 15 watts.

W10XCM—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to operate under rule 320 (broadcast pickup) instead of Rule 307. (Present assignment: **31100, 34600, 37600, 40600 kc.,** 15 watts.

NEW—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts, unlimited time.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to install automatic frequency control.

W1XBS—American Republican, Inc., Prospect Township (New Haven County), Conn.—Granted renewal of experimental broadcast station license for the period ending December 1, 1935, in exact conformity with existing license.

KAST—Abraham Shapiro, Astoria, Ore.—Granted license to cover C. P. for new station; **1370 kc.,** 100 watts, daytime.

National Broadcasting Co., Inc., New York City.—Granted authority to use studio for production of programs to Canadian radio stations.

KIUP—C. Guy Shepard, Durango, Colo.—Granted involuntary assignment of C. P. from LeRoy Haley to C. Guy Shepard.

NEW—G. L. Burns, Brady, Tex.—Granted amended C. P. for new station to operate on **1500 kc.,** 100 watts, daytime, and application dismissed from hearing docket.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted modification of special temporary experimental authorization to operate with 500 KW at night and conventional antenna for a period of 30 days.

NEW—Anderson Broadcasting Corp., Portable-Mobile (Anderson, Ind.).—Granted C. P., frequencies **31100, 34600, 37600, 40600 kc.,** 7 watts.

NEW—Kansas State College of Agriculture and Applied Science, Portable-Mobile, Manhattan, Kans.—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 4 watts.

NEW—Agricultural Broadcasting Co., Portable-Mobile (Chicago).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 25 watts.

NEW—Agricultural Broadcasting Co., Portable-Mobile (Chicago) (2 appls.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts power.

NEW—Agricultural Broadcasting Co., Portable (Chicago).—Granted C. P. for new broadcast pickup station; frequencies **1606, 2020, 2102, 2760 kc.,** 100 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Granted license to cover C. P. for broadcast pickup station, experimental basis; frequencies **31100, 34600, 37600** and **40600 kc.,** 25 watts, for period ending October 1, 1936.

W2XBH—Radio Pictures, Inc., New York City.—Granted renewal of existing license for the period August 1 to November 1, 1935.

W1XKA-W8XKA-W3XKA—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of licenses for the period ending October 30, 1935.

W3XDD—Bell Telephone Laboratories, Inc., New York City.—Granted renewal of license for a period of 90 days from July 29, 1935.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted C. P. to use present transmitter as auxiliary and move it from Kearny to Carteret, N. J.

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted modification of C. P. approving transmitter site and extending commencement date to 30 days after grant and completion date to 90 days thereafter.

KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of special authorization to make changes in equipment.

KABC—Alamo Broadcasting Co., San Antonio, Tex.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted modification of C. P. extending commencement date to August 18, 1935, and completion date to December 18, 1935.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Granted voluntary assignment of license from Otis Perry Eure to Forrest Broadcasting Company.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted modification of C. P. to extend completion date from August 1, to October 1, 1935.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted license to cover C. P. for new station, frequency **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted assignment of license from J. H. Speck to W. C. Irvin.

WNBC—William J. Sanders, New Britain, Conn.—Granted license to cover C. P. for new station, frequency **1380 kc.**, 250 watts, daytime.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va. —Granted license to cover C. P., **550 kc.**, 500 watts, daytime.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted license to cover C. P. covering installation of new equipment and increase in power from 5 to 10 KW; **770 kc.**, simultaneously day WBBM, S-WBBM night; synchronously WBBM LS to midnight.

APPLICATIONS SET FOR HEARING

NEW—John A. Stump, Fairbanks, Alaska.—Application for C. P. for new station, **1210 kc.**, 50 watts, specified hours.

NEW—W. H. Kindig, Hollywood, Calif.—Application for C. P. for new station, **1300 kc.**, 1 KW, share KFAC.

NEW—R. J. Nasser, Sacramento, Calif.—Application for C. P. for new station, **850 kc.**, 250 watts, daytime.

WDAE—Tampa Times Company, Tampa, Fla.—Application for C. P. to make changes in equipment, change day power from 1 to 5 KW.

KADA—C. C. Morris, Ada, Okla.—Application for special authorization to operate on **1200 kc.**, 100 watts, unlimited time, for period of 90 days.

NEW—National Television Corp., New York City.—Application for C. P. for new experimental visual broadcast station; frequencies **42000-56000, 60000-86000 kc.**, 30 watts, unlimited.

NEW—Albert E. Davis, Brownwood, Tex.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license to increase daytime power from 2½ to 5 KW.

WJBW—Charles C. Carlson, New Orleans, La.—Application for modification of license to change hours of operation from sharing with WBNO to unlimited, contingent upon the granting of WBNO's application for modification of license now in hearing docket.

NEW—A. Staneart Graham, E. V. Baxter, Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—C. P., already in hearing docket, amended so as to read: Change frequency from **1310 kc.** to **1500 kc.**, 100 watts, unlimited.

NEW—Clark Standiford, Visalia, Calif.—C. P., already in hearing docket, amended so as to read: Transmitter and studio location, Visalia, Calif., exact site to be determined with Commission approval; **1310 kc.**, 100 watts, daytime.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of C. P. to change frequency from **890 kc.** to **850 kc.**, hours of operation from unlimited to daytime only, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license to change frequency to **890 kc.** and to operate with 500 watts, unlimited time. Requests facilities of WMMN.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license to change frequency from **1450 kc.** to **890 kc.**, and requests facilities of WMMN.

WBNX—Standard Cahill Co., Inc., New York City.—Application for C. P. to move station locally, exact location to be determined subject to Commission approval; make changes in equipment, and increase power from 250 watts to 1 KW.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Application for C. P. to make changes in equipment; increase power from 500 watts to 1 KW night, 5 KW day.

NEW—Wayne Broadcasting Co., Hamtramack, Mich.—Application for C. P. for new station, **1370 kc.**, 100 watts, daytime.

NEW—Champaign News-Gazette, Inc., Champaign City Limits, Ill.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

NEW—Pauline Holden, Porterville, Calif.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Application for modification of license to change power from 500 watts night, 1 KW day, to 1 KW day and night, using present antenna system.

NEW—G. A. Patterson, Chattanooga, Tenn.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Application for modification of C. P. to increase day power from 2½ to 5 KW.

NEW—Robert E. Cole, Washington, Pa.—Application to amend C. P., already in hearing docket, to read: **1350 kc.**, 250 watts, daytime.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Application to amend C. P., already in hearing docket, to read: Change frequency from **1370 kc.** to **1410 kc.**, power from 100 watts to 1 KW night, 5 KW day; make changes in antenna.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah. —Application to amend C. P., already in hearing docket, to read: Move station locally, exact location to be determined subject to Commission approval; install new equipment; and increase power from 1 to 5 KW. To be heard by Division en banc.

NEW—American Broadcasting Corp. of Ohio, near Town of Brooklyn, Ohio.—Application for C. P. for new station to operate on **890 kc.**, 500 watts night, 1 KW day, unlimited time.

KGA—Louis Wasmer, Spokane, Wash.—Application for special experimental authority to change frequency from **1470 kc.** to **950 kc.**, operating with 1 KW night, 5 KW day.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rept. No. 1-71: Radio Service, Inc., Las Vegas, Nev.—Denied as in default application for C. P. for station to operate on **1200 kc.**, 100 watts, unlimited time, sustaining Examiner P. W. Seward.

WAAT—Ex. Rept. No. 1-42: Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license, **940 kc.**, 500 watts, daytime until 6 p. m., EST. Also granted license to cover C. P. to move transmitter locally and install new equipment. Order effective August 8, 1935. Examiner R. H. Hyde sustained.

KCRC—Ex. Rept. No. 1-49: Enid Radiophone Co., Enid, Okla.—Granted modification of license to change frequency from **1370 kc.** to **1360 kc.**; increase power from 100 watts night, 250 watts day, to 250 watts; unlimited time. Order effective July 16, 1935. Examiner R. H. Hyde sustained in part.

NEW—Ex. Rept. No. 1-58: Price Siever, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—Denied C. P. for new station (broadcast) to operate on **1500 kc.**, 100 watts, unlimited time. Order effective August 13, 1935. Examiner R. H. Hyde sustained.

NEW—Ex. Rept. No. 1-59: Raymond L. Hughes, Midland, Tex.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours; and E. F. Houser and Clyde Miller, d/b as Big Spring Broadcasting Co., Big Spring, Tex.—Denied C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, daytime hours. Order effective August 13, 1935. Examiner R. L. Walker sustained.

ORAL ARGUMENTS GRANTED

Oral arguments were granted, scheduled to be held October 17, 1935, before the Broadcast Division, in re Examiner's Report No. 1-60, involving Station WSIX, Springfield, Tenn.; Evansville on the Air, Inc., Evansville, Ind.; and Nashville Broadcasting Corp., Nashville, Tenn. Also in the case of Mary H. and W. C. Morris, d/b as Hotel Eagle, Eagle Pass, Tex. (Docket 2636), and T. Yount, d/b as Universal Advertising Agency, Larado, Tex. (Docket 2835), heard by Commissioner Brown.

The Broadcast Division, sitting en banc, will hear oral argument on November 7, 1935, on exceptions to Examiner Reports Nos. 1-44 and 1-61. Report No. 1-44 deals with the application of KMAC, San Antonio, Tex., for special experimental authority to change frequency from **1370 kc.** to **950 kc.**, increase in power from 100 watts to 1 KW, and change in time to unlimited; also the application of T. E. Kirksey, Lubbock, Tex., to change frequency from **1310 kc.** to **940 kc.**, and increase power from 100 to 500 watts;

also application of KGKL, San Angelo, Tex., to change frequency from **1370 kc.** to **940 kc.**, increase power to 500 watts, daytime. Report No. 1-61 deals with application of J. L. Scroggin for new station at St. Joseph, Mo., to operate on **1310 kc.**, 100 watts, unlimited time; and an identical application by News Broadcasting Co., at St. Joseph, Mo.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authority, **1340 kc.**, 1 KW, unlimited time.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. (**550 kc.**), 1 KW, 5 KW LS, unlimited time; extend commencement and completion dates.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—Special temporary experimental authority, **1420 kc.**, 100 watts, 250 watts LS, simultaneous night WEED.

NEW—Herbert Lee Blye, Lebanon, Pa.—C. P., **1240 kc.**, 250 watts, daytime.

NEW—Herbert Lee Blye, Uniontown, Pa.—C. P., **1420 kc.**, 100 watts, daytime.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification of special experimental authority to use S.A. at new location; **600 kc.**, 1 KW, 2½ KW LS, unlimited time.

MISCELLANEOUS

KQV—KQV Broadcasting Co., Pittsburgh, Pa., and WSMK—WSMK, Inc., Dayton, Ohio.—Denied extension of special temporary experimental authority, effective immediately, for stations KQV and WSMK, to operate simultaneously from 8 p. m. to 12 midnight, EST, for period beginning July 1 and ending not later than July 31, 1935. (KQV and WSMK normally licensed for simultaneous daytime operation (July sunset 8 p. m., EST) and specified hours at night on **1380 kc.**, power of KQV 500 watts and WSMK 250 watts.)

NEW—Jackson D. Magenau, Erie, Pa.—Denied petition to hear earlier than October 17, 1935, oral argument in re exceptions to Examiner's Report made on application for new station at Erie, Pa.

NEW—WMAN Broadcasting Co., Mansfield, Ohio.—Denied petition to hear earlier than October 17, 1935, oral argument in re exceptions to Examiner's Report made on application for new station at Mansfield, Ohio.

J. David Stern, New York City.—Granted motion to reinstate application for C. P. specifying **810 kc.**, 500 watts from 6 a. m. to LS Minneapolis, Minn., facilities of WNYC. Also granted leave to file appearance and participate in hearing on October 24, 1935, of application of WLWL for modification of license to change frequency from **1100 kc.** to **810 kc.** and operating time from specified hours to unlimited.

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Amended application for new radio broadcasting station to operate on **1310 kc.**, to be heard at the same time application of Howard W. Haskett for new station at Santa Rosa, Calif., to operate on **1280 kc.** is considered. Record in case where Westlund and Cohn applied for station to operate on **1500 kc.**, 100 watts, to be kept open.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted request for continuance of hearing scheduled for August 9 to August 15, to accommodate counsel for the protestant, W1XBS, American Republican, Inc.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted request to take depositions in re application for new station to operate on **1450 kc.**, 500 watts, unlimited time.

WJBW—Chas. C. Carlson, New Orleans, La.—Reconsidered action in designating application for renewal of license for hearing and granted same.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Denied petition requesting authority to operate, daytime only, in Toledo, Ohio, with 100 watts, on **1210 kc.**

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Reconsidered action of June 18th in granting license and set for hearing application to operate on **1240 kc.**, 1 KW, unlimited time.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Reconsidered action of June 18th in granting license and set for hearing application to operate on **570 kc.**, 500 watts night, 1 KW unlimited time.

KFH—Radio Station KFH Co., Wichita, Kans.—Suspended action taken May 28, 1935, authorizing changes in equipment and increase in day power to 5 KW, and designated application for hearing on protest of KFBI.

NEW—Centennial Broadcasting Corp., Dallas, Tex.; and NEW—Dallas Broadcasting Co., Dallas, Tex.; and Paris Broadcasting Co., Paris, Tex.; and KGBX—E. Texas Broadcasting Co., Tyler, Tex.—Granted petition extending to August 1, 1935, within which to file exceptions to Examiner's Report No. 1-64, due July 10.

NEW—North Side Broadcasting Corp., New Albany, Ind.—Denied petition asking Commission to reconsider and grant application without hearing, for new station to operate, daytime only, on **1370 kc.**, 250 watts.

Miles J. Hansen, Fresno, Calif.—Granted request for an order to take depositions in support of application for C. P. for new radio station at Fresno, Calif.

Palmer Broadcasting Syndicate, Inc.; Cumberland Broadcasting Co., Inc.; Eastern Broadcasting Co.—Granted continuance of hearing, scheduled for July 31, on applications to establish new stations at Portland, Me., to operate **1210 kc.**, 100 watts, unlimited time.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted postponement for 30 days from July 9, of effective date of decision denying application for increase in power, in order to give Commission time to consider application to move station, use new antenna, and to change equipment.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Denied petition asking Commission to reconsider, and grant without hearing, application to increase power to 10 KW. Hearing scheduled for May 9 was continued until further notice.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Denied petition asking Commission to reconsider, and grant without hearing, application for authority to erect new station to operate on **1120 kc.**, 250 watts, daytime only.

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted motion to intervene in application of Robert K. Herbst for new broadcast station at Moorhead, Minn., to operate on **1310 kc.**

APPLICATION DENIED

NEW—A. Corenson, Pasadena, Calif.—C. P., **1480 kc.**, 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b).

APPLICATIONS RECEIVED

First Zone

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna.

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit authorizing changes in equipment and move of transmitter from Outlet Co. Bldg., 176 Weybosset St., Providence, R. I., to junction Newport Ave. and Ferris Ave. (Rumford), E. Providence, R. I., requesting further changes in equipment and increase in power from 250 watts night, 500 watts day, to 500 watts day and night, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

WNEL—Juan Piza, San Juan, Puerto Rico.—Construction permit to make equipment changes and increase power from 500 watts to 1 KW night, 2½ KW day.

NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, unlimited time.

WDEV—Harry C. Whitehill, Waterbury, Vt.—Construction permit to install new equipment and increase power from 500 watts to 1 KW.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental (broadcast pickup) station to be operated on **31100, 34600, 37600, 40600 kc.**, 25 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental (broadcast pickup) station on **31100, 34600, 37600, 40600 kc.**, 25 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new general experimental (broadcast pickup) station to be operated on **31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000 kc.,** 100 watts. Amended to delete the frequencies **31600, 35600, 38600** and **41000 kc.**

National Broadcasting Co., Inc., Washington, D. C.—License to cover above.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Modification of license to change hours of operation from daytime to daytime, specified hours night, using 50 watts, 100 watts day.

WNBC—William J. Sanders, New Britain, Conn.—License to cover construction permit (B1-P-81) as modified for a new station on **1380 kc.,** 250 watts power, daytime.

NEW—Alfred C. Matthews, Cape May, N. J.—Construction permit for new station on **1420 kc.,** 100 watts power, unlimited time. Amended: Change time to specified hours, 9 to 11 a. m., 6 to 12 p. m., daily, equipment changes.

WJZ—National Broadcasting Company, Inc., New York, N. Y.—Extension of special experimental authorization to operate on 50 KW, period ending 2-1-36.

Second Zone

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Construction permit to make changes in equipment.

NEW—American Broadcasting Co., Pittsburgh, Pa.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, unlimited time.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—License to cover construction permit (B2-P-35) as modified for a new station to be operated on **1420 kc.,** 100 watts, unlimited time.

WPHR—WLBG, Inc., Petersburg, Va.—Construction permit to move transmitter from 1½ miles northeast of Petersburg, Va., to site to be determined, Richmond, Va., and studio from Medical Arts Bldg., 38 Franklin Street, Petersburg, Va., to site to be determined, Richmond, Va.

WGAR—The WGAR Broadcasting Company, Cleveland, Ohio.—Modification of license to change frequency from **1450 kc.** to **890 kc.;** request facilities of WMMN.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Modification of construction permit (2-P-B-3277) as modified to extend completion date from 8-1-35 to 10-1-35.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Extension of special experimental authorization to operate on 1 KW power for period from 9-1-35 to 3-1-36.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit authorizing changes in equipment and increase in power from 500 watts to 1 KW night, directional antenna, 2½ KW day, requesting further changes in equipment and increase in power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day, using directional antenna at night.

WKRC—WKRC, Inc., Cincinnati ,Ohio.—Modification of construction permit (2-P-B-3282) as modified to extend commencement date from 4-29-35 to 7-29-35 and completion date from 7-29-35 to 10-29-35.

NEW—William S. Thellman, New Castle, Pa.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, daytime.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Construction permit to make changes in equipment and increase power from 5 KW to 50 KW.

NEW—Carl S. Taylor, DuBois, Pa.—Construction permit for a new station to be operated on **590 kc.,** 100 watts ,daytime. Amended to change frequency from **590 kc.** to **780 kc.;** make equipment changes, change transmitter site from Reitz Hotel, E. Long Ave. and Brady St., DuBois, Pa., to Shaffer's Corner, Shaffer, Pa.; and change power from 100 watts to 250 watts.

Third Zone

NEW—Big Spring Herald Broadcasting Co., Big Spring, Texas.—Construction permit for a new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to change name from Big Spring Herald, Inc., to Big Spring Herald Broadcasting Co.

NEW—The Attala Broadcasting Corp., Columbus, Miss.—Construction permit for a new station to be operated on **1200 kc.,** 100 watts, unlimited time. Amended to make changes in equipment (antenna) and change transmitter site from First National Bank Bldg., Columbus, Miss., to on north side of Columbus Brick Yard lake just off of U. S. Highway 82, near Columbus, Lowndes, Miss.

NEW—The North Texas Broadcasting Co., Paris, Tex.—Construction permit for a new station to be operated on **1500 kc.,** 100 watts, daytime. Amended to change name from The North Texas Publishing Co. to The North Texas Broadcasting Co.

WMFO—James R. Doss, Jr., Decatur, Ala.—License to cover construction permit (B3-P-270) for new station to be operated on **1370 kc.,** 100 watts power, daytime operation.

KPRC—Houston Printing Company, Houston, Tex.—Modification of license to increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.

NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—Construction permit for new station to be operated on **1200 kc.,** 100 watts power, unlimited time. Amended: Change time to daytime.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Construction permit to move transmitter from Ninth and Indiana Ave., Wichita Falls., Tex., to approximately 2½ miles southwest of center of Wichita Falls, Tex., and make equipment changes.

NEW—Central Texas Broadcasting Company, Inc., Fort Worth, Tex.—Construction permit for new station on **1210 kc.,** 100 watts power, unlimited.

KRLD—KRLD Radio Corporation, Dallas, Tex.—Extension of special experimental authorization to operate simultaneously with WTIC for three months from August 1, 1935, to November 1, 1935.

NEW—Bell Broadcasting Co., Temple, Tex.—Construction permit for a new station to be operated on **1370 kc.,** 100 watts, daytime.

WREC—WREC, Inc., Memphis, Tenn.—Modification of construction permit (B3-P-161) authorizing changes in equipment, requesting to install directional antenna; move transmitter from Whitehaven, Tenn., to near Rugby Park, Tenn.; increase power from 500 watts, 1 KW day, to 1 KW night, 2½ KW day; and extend commencement date to date of approval and completion date to 6 months thereafter.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from specified hours to unlimited time.

KNOW—Kut Broadcasting Co., Austin, Tex.—Construction permit to move transmitter from Barton Springs Road, Austin, Tex., to 114 West 7th Street, Austin, Tex., and install new equipment.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Construction permit to make changes in equipment and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day. Amended to make further changes in equipment (antenna).

NEW—W. Dexter Moss, Tulsa, Okla.—Construction permit for a new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to change transmitter and studio locations from 5th and Cheyenne, Tulsa, Okla., to 7th and Main St., Tulsa, Okla.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Modification of construction permit (B3-P-308) authorizing erection of a new station to be operated on **1420 kc.,** 100 watts, unlimited time, requesting changes in equipment.

NEW—Reporter Broadcasting Co., Abilene, Tex.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, unlimited time. Amended to change name from Reporter Publishing Co., Inc., to Reporter Broadcasting Co.

Fourth Zone

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa.—Construction permit for a new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to change frequency from **1500 kc.** to **1210 kc.**

NEW—Northwestern Broadcasting, Inc., Nicollet Hotel, Minneapolis, Minn.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 50 watts.

NEW—The Pulitzer Publishing Co., Portable-Mobile.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600, 86000-400000 kc.,** 5 watts.

NEW—The Pulitzer Publishing Co., 12th and Olive St., St. Louis, Mo.—Construction permit for a new general experimental station on **31600, 35600, 38600, 41000, 86000-400000 kc.,** 100 watts.

WMFZ—WCBS, Inc., Portable.—License to cover construction permit for a new broadcast pickup station on **1622, 2060, 2150, 2790 kc.,** 25 watts.

WREN—The WREN Broadcasting Co., Lawrence, Kans.—License to cover (B4-P-265) as modified to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification of construction permit authorizing increase in power from 2½ KW night, 5 KW day, and make equipment changes, requesting extension of completion date from 9-8-35 to 10-8-35.

KSCJ—Perkins Brothers Co., Sioux City, Iowa.—Construction permit to install auxiliary equipment, 50 watts power for emergency operation.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Extension of special experimental authorization to operate with 500 watts additional power at night with directional antenna, from 9-1-35 to 3-1-36.

KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license to change specified hours from 12:30 to 2 p. m. daily except Sundays to 11:30 to 2 p. m. daily except Sundays and holidays.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new equipment; increase power from 100 watts to 100 watts night, 250 watts daytime, and hours of operation from daytime to unlimited. Amended to omit request for new equipment, and increase in power. (Superseded by B4-ML-212).

NEW—Wisconsin Broadcasting Co., Oshkosh, Wis.—Construction permit for a new station to be operated on **1310 kc.,** 100 watts night, 250 watts day, unlimited time.

NEW—Frank O. Knoll and Julian F. McCutchan, St. Cloud, Minn.—Construction permit for a new general experimental station on **31600, 35600, 38600, 41000 kc.,** 100 watts.

WREN—WREN Broadcasting Co., Lawrence, Kans.—Authority to determine operating power by direct measurement of antenna.

KFJM—University of North Dakota, Grand Forks, N. Dak.—License to cover special experimental authorization to increase power from 100 watts to 100 watts night, 250 watts day.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Modification of construction permit (B4-P-172) authorizing increase in power from 1 KW night, 2½ KW day, to 1 KW, 5 KW day; changes in equipment; and move of transmitter from 2nd and Capitol Street, Yankton, S. Dak., to Yankton County, S. Dak., requesting extension of commencement date from 4-18-35 to 8-18-35 and completion date from 7-18-35 to 12-18-35.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Construction permit for new station to be operated on **1500 kc.,** 100 watts, unlimited. Amended to request **1310 kc.,** frequency instead of **1500 kc.** June 20 amendment was withdrawn.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construction permit for new station to be operated on **1120 kc.,** 250 watts power, unlimited time. Amended: Change frequency from **1120 kc.** to **710 kc.,** power from 250 watts to 1 KW, time from unlimited to daytime, equipment to 1 KW equipment.

NEW—Chanute Broadcasting Co., R. B. Smith, R. E. Highley, C. M. Brobst, Partners, Chanute, Kans.—Construction permit for new station to be operated on **1220 kc.,** 100 watts power, unlimited time. Amended: Change frequency from **1220 kc.** to **1500 kc.;** time from unlimited to daytime; transmitter site from 315 E. 17th St. to Spruce and North, Santa Fe, and studio site from 207 W. Main to Tioga Hotel, Main and Santa Fe.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit for new equipment; increase power from 100 watts to 100 watts, 250 watts day, and time from daytime to unlimited. Amended: Change power from 250 watts to 100 watts; omit request for new equipment.

Fifth Zone

NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit for a new station to be operated on **1370 kc.,** 100 watts, unlimited time. Amended to change transmitter and studio sites from 2000 Buena Vista, Trinidad, Colo., to 2 miles northeast of city of Trinidad, Colo.

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Modification of construction permit (B5-P-303) authorizing move of transmitter from 1752 Fern St., Waikiki, Honolulu, Hawaii, to Honolulu, Hawaii; install new equipment and increase power from 250 watts to 1 KW; also move of studio from 119 Merchant St. to Kalakaua Avenue and Seaside, Honolulu, requesting further changes in equipment and move studio and transmitter from above sites to Ala Moana Pk., at Pensacola and Moana Blvd., Honolulu, and extend commencement and completion dates.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Construction permit to install new equipment; increase power from 1 KW to 1 KW, 5 KW day.

NEW—Wm. B. Smullin, Sacramento, Calif.—Construction permit for new station to be operated on **1310 kc.,** 100 watts, 250 watts, daytime, unlimited time. To be considered under Rule 6 (g).

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit for a new station to be operated on **1210 kc.,** 100 watts, unlimited time. Amended to change frequency from **1210 kc.,** to **1310 kc.;** make changes in equipment; and change transmitter and studio sites from 2 miles northeast of town, Salinas, Calif., to 1½ miles northeast of town, Salinas, Calif.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of license to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station on **1646, 2090, 2190, 2830 kc.,** 40 watts.

KNX—Western Broadcast Co., Los Angeles, Calif.—Construction permit to make equipment changes and increase power from 50 KW to 250 KW.

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to change frequency from **1370 kc.** to **1450 kc.,** power from 100 watts to 1 KW, install new equipment, and move transmitter from Second and Rose Streets, Walla Walla, Wash., to County Road and College Avenue, Walla Walla, Wash.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Transfer of control of stock from Naomi F. Bengston to E. K. Gaylord and Inez K. Gaylord.

KGVO—Mosby's, Inc., Missoula, Mont.—License to cover construction permit (B5-P-448) to move 100-watt transmitter.

KIUP—C. Guy Shepard, Durango, Colo.—Involuntary assignment of permit from LeRoy Haley to C. Guy Shepard.

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Company, Pomona, Calif.—Construction permit for new station to be operated on **1160 kc.,** 250 watts, daytime. Amended: Transmitter and studio sites change to 2104 E. Holt Ave., Pomona, Calif.

NEW—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price, Utah.—Construction permit for new station to be operated on **1420 kc.,** 100 watts, unlimited.

KFUH—Richard Field Lewis, Del Monte, Calif.—Modification of (B5-P-3184) to change transmitter site from Polo Field House, Del Monte Hotel Properties, Del Monte, Calif., to Municipal Wharf, Monterey, Calif., and make equipment changes; extend commencement and completion dates.

KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Voluntary assignment of license from M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, to Southwest Broadcasting Co.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

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WORK STARTED ON RECOGNITION BUREAU

The first steps looking to the creation of the advertising agency recognition bureau approved by the thirteenth annual convention of the NAB were taken this week when a prospectus outlining the services of the bureau, and a subscription blank were mailed to all member stations.

The bureau, when organized, will function for radio similar to the recognition bureaus maintained by other media. It will collect information from agencies regarding their financial status, experience, organization and similar matters on the basis of which stations can determine their eligibility for recognition. It also will maintain a credit clearing house whereby up-to-date credit information regarding agencies will be made available to stations subscribing to the maintenance of the bureau.

The resolution instructing the NAB to establish the agency recognition bureau provided that this be done only if the expense of the first year's operation be completely underwritten in advance. According to the plan approved by the Commercial Committee and the convention, this will require a subscription of $125 from no less than 125 stations. It is essential that the Association receive prompt replies from stations if the work of setting up the bureau is to proceed with dispatch.

FCC PROCEEDS WITH PLAN TO REQUIRE MODULATION MONITORS

At an informal conference called by Mr. A. D. Ring, Assistant Chief Engineer of the Federal Communications Commission, July 18, tentative specifications were prepared for modulation monitors intended for use by all broadcasting stations, by Commission order, within a period of approximately 14 months from the present date.

The tentative specifications for the instrument will stand subject to change, if good cause is shown therefor, until the middle of September, at which time the FCC Engineering Department will recommend to the Commission the adoption of a new regulation requiring the use of the monitor by all stations within one year from the adoption of the rule. It is planned that the National Bureau of Standards will test monitors submitted by various manufacturers for issuance of an approved type certificate, as was done in the case of frequency monitors three years ago.

The adoption of tentative specifications for modulation monitors by the Engineering Department of the FCC marks the end of an extended series of conferences attended by manufacturers and users of such apparatus, including NBC, CBS, AT&TCo., RCA, General Radio Co., Bureau of Standards General Communications Laboratories, Radio Research Co., G. E. Co., Westinghouse, and Weston Instrument Corp. The NAB was represented in all the conferences by J. C. McNary, Technical Director.

According to the tentative specifications, the modulation monitor will include—

1. A DC meter for setting the average rectified carrier at a specific value and to indicate changes in the carrier intensity during modulation.

2. A peak-indicating light or similar device that can be set at any pre-determined value from 50 to 120 per cent modulation on positive peaks or 50 to 100 per cent modulation on negative peaks to indicate peaks on positive and/or negative modulation.

3. A semi-peak indicating meter having a period between .29 and .35 seconds and a damping factor (measured according to AIEE standards) between 16 and 200, with a scale length not less than 2.3 inches, arranged in a circuit such that peaks of modulation of duration of between 40 and 60 milliseconds are indicated to 90 per cent of full value and the discharge rate adjusted so that the pointer returns from full reading to within 10 per cent of zero between 400 and 800 milliseconds. The meter must read either positive or negative modulation. The meter scale shall be graduated from 0 to 110 per cent modulation and shall also indicate relative levels in decibels, with 100 per cent modulation corresponding to zero db.

4. The instrument shall have a spot calibration at 100 per cent modulation, at which point the permissible error is 2 per cent. At other levels the tolerance is 4 per cent of full scale indication.

5. The frequency characteristic shall not vary more than 0.5 decibel from 30 to 10000 cycles.

It appears probable that the Radio Research Co., General Radio Co., RCA Manufacturing Co. and the General Communications Laboratories will place modulation monitors on the market. The General Radio Company's unit, of which about 70 have been placed in use largely through the efforts of the Engineering Department of the Columbia Broadcasting System, requires little change to conform to the adopted tentative specifications. The probable price of each unit apparently will not exceed $250. It is not known whether the Western Electric Co. will manufacture a modulation monitor.

The use of a peak-indicating meter for indicating volume levels marks a departure from current practice. Present volume indicators almost invariably indicate r.m.s. values just as they did fifteen years ago when volume indicators were first utilized. The change from an r.m.s. meter to a peak meter was rather strenuously opposed by the AT&TCo. and the Bell Telephone Laboratories on the basis that the probable advantage is not sufficient to justify departure from present practice.

The Commission's proposal to require the use of an approved modulation monitor was considered at the NAB Engineering Committee meeting on June 29, 1935, at which time the Committee went on record as endorsing the proposal.

NAB MEMBERSHIP INCREASES

Seven new members have been added to the NAB rolls since the thirteenth annual convention. This brings the membership of the Association to 391. New members stations are as follows: WBAP, Fort Worth, Texas; WNBC, New Britain, Conn.; WSVA, Staunton, Va.; WTAD, Quincy, Ill.; KGY, Olympia, Wash.; KROC, Rochester, Minn., and KWBG, Hutchinson, Kansas.

HEARINGS ON FOOD AND DRUG BILLS

The Committee on Interstate and Foreign Commerce of the House of Representatives on Monday (22nd) opened hearings on all Food and Drug Bills. These include S. 5, H. R. 3972, H. R. 8805, and H. R. 8941.

LEVY RETURNS HOME ABOUT AUGUST 10

Issac D. Levy, NAB Treasurer, in a letter to the Managing Director advises that payments to contributing members of the

Copyright fund equivalent to 50 per cent of the balance in his possession will be made immediately upon his return from California. Mr. Levy expects to return to Philadelphia about August 10.

FCC GRANTS COAXIAL CABLE APPLICATION

The Communications Commission on July 24 granted the authority requested in a petition jointly filed by the American Telephone and Telegraph Company and the New York Telephone Company to install an experimental coaxial cable between New York and Philadelphia. The Commission heard the argument and testimony relative to the petition on July 15, as reported in NAB REPORTS for July 17.

The text of the Commission's finding and order follow:

Findings and Order

"The Commission finds that the experiment which the petitioners wish to make is necessary for the advancement and improvement of communication and communication facilities, practice, and service; that the petitioners propose to carry on the experiment at their own expense and without cost to the public; that the installation of the coaxial cable under consideration is for experimental purposes only and without any intention or claim of right on the part of the petitioners to put said cable into public use or service without further authorization by the Federal Communications Commission; and that if the experiment contemplated is carried out, and the coaxial cable is demonstrated to be a success, the petitioners will, before attempting to use the same in public service, apply for permission to do so and later abide by such order as the Commission may make after a full and complete hearing held pursuant to notice, in which the petition in such case, and the objections and protests of all other parties appearing, shall be fully heard and considered upon the record made at that time, and without any regard to or for anything that the petitioners may do or cause to be done under and pursuant to the order permitting the installation of the coaxial cable for experimental purposes.

"The Commission finds that experimentation, such as that proposed in the present proceeding, should be encouraged for the public welfare and in the public interest. The record indicates, and the Commission finds, that the introduction of the coaxial cable would have a tendency to reduce rates for services rendered by use of such cable.

"The Commission finds that during the experimental stage of the coaxial cable under consideration parties interested in the transmission of television images should have access to and the use of the said cable for the use of experiments for themselves, provided the petitioners and such other parties may agree upon terms and conditions whereby such access and use may be accorded by the petitioners and had by the other parties; and in case the petitioners and other parties can not agree upon such terms and conditions, such other parties may apply to the Commission for rules and regulations whereby they may have access to and the use of said coaxial cable for their proper purposes and uses; and the Commission finds that under these circumstances the coaxial cable in its demonstration period can not be used by the petitioners for the development of the right to television patents, to the exclusion of other parties having access to the coaxial cable through agreement with the petitioners or by order of the Commission; and under the circumstances proposed herein the Commission is of the opinion that the petitioners can not monopolize the experimental advantages, features and uses of the coaxial cable to the disadvantage, exclusion and detriment of other parties.

"The Commission at this time is not going into the accounting and engineering features of the project under consideration, for the reason that it does not want to jeopardize the public interest by specifying, and thus limiting, requirements which the Commission has the authority and right to impose upon the petitioners when the proper time arrives, if at all, for the consideration of such matters; and the Commission hereby asserts its right to make any other and further order, whether supplemental to or derogatory of the order now being issued; and the Commission hereby serves notice that it reserves the right to revoke the order about to be issued, either in whole or in part, after hearing upon 10 days' notice to the petitioners.

Order

"The premises considered, and the Commission being fully advised, it is therefore considered, ordered, and adjudged, that the petitioners be and are hereby allowed to install the coaxial cable under consideration for experimental purposes only and pursuant to the findings above made.

"This order is subject to amendment or annulment as above stated; and it shall not become effective for any purpose whatsoever until the petitioners file herein their acceptance of the order and their assurance that they will do nothing under the order contrary to the terms and conditions thereof without first submitting their proposal to the Commission and receiving the express sanction thereof; provided that a report be filed by the petitioners on the fifteenth day of each month furnishing in detail information relative to all the activities in connection with the cable during the preceding month; and provided further that the present order and the privileges granted thereby may be declared null and void by the Commission after a hearing before it."

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2386. Excelsior Silverware Corporation, New York City. The respondent is directed to stop using the words "Sheffield Reproductions" or similar expressions implying that its products are made or reproduced in accordance with the manufacturing process employed by the silversmiths of Sheffield, England, when this is not the case. The respondent consented to the issuance of the order.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2492. White Cross Laboratories, Inc., Chicago, manufacturers, "La Paz Turtle Oil Cream." The respondent is said to have competed unfairly with companies which truthfully advertised their products in that the amount of turtle oil forming part of the oil content of the respondent's product is not substantial and is insufficient to warrant the branding of the preparation as a "turtle oil" cream. Hearing, Friday, August 9.

Nos. 2494 and 2495. Distillers Products Corporation, Jersey City, and Royal Distillers Products, Ltd., New York City. The respondents are charged with use of the word "Distillers" in their corporate names, when they do not own, operate or control a place where spirituous beverages are manufactured by distillation. Hearing, Friday, August 16.

No. 2496. Loft, Inc., Long Island City, N. Y., candy manufacturer. The respondent company, together with Dr. Daniel Hodgdon, 1697 Broadway, New York City, described as an agent or employee of Loft, Inc., engaged in advertising or promotion work, is charged with unfair disparagement of competitors' products in violation of the Federal Trade Commission Act.

Unfair representations are said to have been made by means of **radio broadcasting,** in newspapers, pamphlets and magazines, the purport of the advertisements being that Loft has discovered a method of making candies without the use of glucose, and that the use of glucose by competitors is dangerous to the health of children and others who eat candy.

The complaint alleges that in fact the Loft products are made with and contain glucose and that the respondent's methods do not constitute a new discovery. The respondent is further charged with falsely representing and implying that "glucose" is impure, unwholesome and harmful to the health. The facts are, according to the complaint, that glucose is not dangerous to children, and that the competitors' products are, contrary to the respondent's representations, no less pure and wholesome, nor more harmful to health than the products of Loft, Inc. Hearing, Friday, August 16.

Dismissal of Complaint

No. 2305. David Jacoby and Morris Gottshagen, New York City, trading as Mills Sales Company. The Commission has dismissed its complaint alleging unfair trade practices in the sale of shoe laces to the retail trade.

Stipulations

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0876. Illinois Medical Products, Chicago, manufacturers of "Psoracine." The respondent agrees to cease and desist representing its preparation as a competent treatment or effective remedy for a number of skin diseases unless the assertion is expressly limited to palliative effects. The company also agrees to stop asserting its preparation is a new discovery, will be effective in cases in which other treatments have failed, and will overcome any skin disorders.

No. 0877. R. B. Semler, Inc., New York City, manufacturer of "Kreml." The respondent agrees to cease advertising that its preparation for the hair, called "Kreml," will stop falling hair unless the representation is limited to the stopping of excessive loss of hair. The company also will discontinue the assertion that its preparation will de-salt the hair after a shower, will stop molting, will stimulate the growth of new hair and retard grayness.

BROWN RECOMMENDS AGAINST KFBI

Commissioner Thad H. Brown this week filed a report with the Federal Communications Commission recommending that the application of Station KFBI, Abilene, Kans., for license renewal be denied.

Commissioner Brown held hearings in this case on March 25 and 26 at San Antonio, Texas.

The station operates on a frequency of 1050 kilocycles, 5,000 watts power and unlimited time on the air. In his conclusions the Commissioner says:

"The issues of the hearing on the application for a renewal of license were drawn to determine the nature and character of programs of KFBI and to determine whether this station directly or indirectly has violated Section 325 (b) of the Communications Act of 1934, and whether the continued operation of this station would serve the public interest, convenience and necessity.

"It must be noted that the character of the four programs, including those of Dr. Brinkley, "Koran," "Omar," and Dr. Ford reducing tea, are definitely not of a type that serve public interest, convenience and necessity. The Brinkley program in particular has been found on previous occasions not to be in the public interest by the Federal Radio Commission and the Commission was sustained in this action by the Court of Appeals of the District of Columbia. The applicant, as successor to KFKB Broadcasting Association, Inc., had ample notice of these findings. Any one of these programs is objectionable in itself and collectively they present strong evidence that they are not in the public interest. The licensee has been derelict in the performance of the trust imposed upon it by the licensing authority in turning over the complete control and management of the station together with the formulation of its broadcast policy to the station manager.

"It must also be noted that there is already abundant broadcast service available at Abilene, Kansas, so that if the renewal of this license were to be denied by the Commission, the service to radio listeners in this area would not be unduly curtailed."

NEW STATION RECOMMENDED FOR ST. PAUL

Applications were filed with the Federal Communications Commission for construction permits for four new 100 watt stations, all to use 1370 kilocycles and all asking unlimited time in the State of Minnesota. They were from the National Battery Broadcasting Company, Dr. George W. Young, and the Radio Chapel of the Air, all to be erected at Minneapolis, Minn., and the other from Edward Hoffman, for a station at St. Paul, Minn.

Melvin H. Dalberg(e) in Report No. I-76 recommended that the Hoffman application be granted but that all of the other requests be denied.

EXAMINER RECOMMENDS NEW FLORIDA STATIONS

H. K. Glass and M. C. Kirkland applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Eustis, Florida, to use 1310 kilocycles, 100 watts power and 6 a. m. to local sunset; the Lake Region Broadcasting Company applied for a construction permit for a new station at Lakeland, Florida, to use the same frequency and power and unlimited time; G. D. Goff applied for a construction permit for a new station at Tampa, Florida, to use 1500 kilocycles, 100 watts power and unlimited time; Robert L. Sanders applied for a construction permit for a new station at Palm Beach, Florida, to use 1420 kilocycles, 100 watts power and unlimited time; and Hazelwood, Inc., applied for a construction permit for a station at West Palm Beach, Florida, to use 1200 kilocycles, 100 watts power and unlimited time.

George H. Hill(e) in Report No. I-77 recommended that the Glass and Kirkland application be denied; that the Lake Region Broadcasting Company application be granted; that the G. D. Goff application be granted; that the Robert L. Sanders application be denied and that the Hazelwood, Inc., application be granted on condition that the applicant construct an antenna which complies with the recommendations of the Engineering Department of the Commission.

RECOMMENDATIONS RE KFWB; KMPC; KIEV; KRKD

Commissioner Thad H. Brown this week made recommendations to the Federal Communications Commission in connection with the applications of a number of California stations in which he held hearings in Los Angeles, on April 8, 9, 10, 11 and 12.

He recommended that the application for license renewal of Station KGFJ be granted; that application for renewal license and construction permit be granted Station KFWB; that license renewal be granted KMPC; that license renewal and construction permit be granted Station KIEV; and that license renewal be granted Station KRKD. In his conclusions in these cases the Commissioner states that:

"The evidence relating to the application of Ben S. McGlashan (KGFJ) for renewal license discloses broadcasts of programs relating to the Alhambra Electronic Institute, which has been discussed in detail in the report, and a failure to make certain entries in the log book with reference to political broadcasts. The general service of the station is shown to be of acceptable quality and of local public interest. The applicant has shown a disposition to examine advertising copy more thoroughly hereafter with a view to preventing a possible repetition of such broadcasts as those of the Alhambra Electronic Institute. It is also shown that the applicant has corrected its method of keeping the station log so as to comply more strictly with the regulations of the Commission.

"The evidence relating to the applications of Warner Brothers Broadcasting Corporation (KFWB) for renewal license and construction permit, discloses broadcasts of programs relating to the Alhambra Electronic Institute. These broadcasts were carried for an extremely brief period, being terminated voluntarily when the character of the programs became evident. A high type of regional service is broadcast by this station. The increased power applied for will, if granted, improve and extend the service without causing any objectionable interference to other stations.

"The evidence relating to the application of the Beverly Hills Broadcasting Corporation (KMPC) for renewal license discloses broadcasts of programs relating to the Alhambra Electronic Institute, certain frequency deviations and a failure to make certain entries in the log book with reference to political broadcasts. Also, an operating agreement of doubtful legality was disclosed at the hearing. The Electronic program has been discontinued, and the character of the general service of the station together with the attitude of the applicant affords substantial assurance that there will be no further broadcasts of programs of such doubtful character. It was shown that the question of frequency deviations had been adjusted prior to the hearing to the satisfaction of the Commission. Omissions in reference to the station log have been corrected. The operating agreement has been terminated and it now appears that the licensee is in active control.

"The evidence relating to the applications of Cannon System, Ltd. (KIEV) for renewal license and modification of construction permit, discloses broadcasts of programs relating to the Alhambra Electronic Institute. These programs were carried but a brief period and have not been on the station since June 10th, 1934. The evidence shows adequate reasons for applicant's failure to complete construction heretofore authorized within the specified time. An acceptable local program service in the Glendale area is supplied by this station.

"The evidence relating to the application of Radio Broadcasters, Inc. (KRKD), for renewal license discloses broadcasts of programs relating to the Alhambra Electronic Institute. It is shown that the station broadcasts a high quality program service and that it is not the policy of the station to accept broadcasts of such doubtful merit."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, July 29, 1935

NEW—Charles C. Theis, Wichita, Kans.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Edwin A. Kraft, Fairbanks, Alaska.—C. P., **950 kc.,** 250 watts, unlimited time.

Thursday, August 1, 1935

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—C. P., **1450 kc.,** 1 KW, unlimited time. Present assignment: **1450 kc.,** 250 watts, unlimited time.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license, **1450 kc.,** 350 watts, unlimited time. Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of license, **780 kc.,** 1 KW, 2½ KW LS, unlimited time. Present assignment: **950 kc.,** 1 KW, 2½ KW LS, unlimited time.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Modification of license, **780 kc.,** 1 KW, 2½ KW LS, specified hours: unlimited except hours now used by KFDY. Present assignment: **1110 kc.,** 2½ KW, limited time.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license, **780 kc.,** 250 watts, specified hours. Present assignment: **1420 kc.,** 100 watts, 250 watts LS, shares with KHPS.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, **780 kc.,** 500 watts, unlimited time. Present assignment: **1440 kc.,** 500 watts, unlimited time.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—C. P., **780 kc.,** 1 KW, 5 KW LS, unlimited time (requests facilities of KELW). Present assignment: **780 kc.,** 500 watts, 1 KW LS, shares with KELW.

Friday, August 2, 1935

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Renewal of license, **1210 kc.,** 100 watts, 250 watts LS, specified hours.

APPLICATIONS GRANTED

KVSO—The Ardmorite Pub. Co., Inc., Ardmore, Okla.—Granted modification of C. P. authorizing transmitter site and antenna system, and to make changes in equipment.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power to 250 watts; **1200 kc.,** 100 watts night, specified hours.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted license to cover C. P. as modified for new station to operate on **1370 kc.,** 100 watts, daytime only.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to operate synchronously with WBBM after sunset for a period beginning August 1, 1935, and ending January 31, 1936. Present assignment: **770 kc.,** 5 KW night and day, S-WBBM during night, simultaneous day with WBBM.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted extension of special experimental authorization to operate synchronously with KFAB after sunset for a period beginning August 1, 1935, and ending January 31, 1936. Present assignment: **770 kc.,** 25 KW night and day. (C. P. for 50 KW night and day.) Hours of operation: Simultaneous day KFAB, share KFAB night.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile (Tacoma, Wash.).—Granted C. P. for broadcast pickup station, temporary service, for rebroadcasting events over Station KVI; frequencies **1646, 2090, 2190,** and **2830 kc.,** 40 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile, New York City.—Granted C. P. for new general experimental station to be used as broadcast pickup station on experimental basis; frequencies **31100, 34600, 37600,** and **40600 kc.,** 25 watts. Also granted license covering same for period ending October 1, 1936.

NEW—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted C. P. for exp. gen. exp. broadcast pickup station as of July 16, 1935; frequencies **31100, 34600, 37600,** and **40600 kc.,** 25 watts.

NEW—Connecticut State College, Storrs, Conn.—Granted C. P. for new fixed general experimental station; frequencies **86000-400000 kc., 401000 and above,** 500 watts.

W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. to extend commencement date to August 15, 1935, and completion date to February 15, 1935.

WMFZ—WCBS, Inc., Portable (Springfield, Ill.).—Granted license to cover C. P. for broadcast pickup station, temporary service; frequencies **1622, 2060, 2150,** and **2790 kc.,** 25 watts.

NEW—Puget Sound Broadcasting Co., Portable (Tacoma, Wash.).—Granted C. P. for new general experimental broadcast pickup station on experimental basis; frequencies **31100, 34600, 37600,** and **40600 kc.,** 2 watts.

SET FOR HEARING

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Application for C. P., already in hearing docket, amended so as to read **630 kc.,** 500 watts night, 1 KW day, unlimited.

NEW—Western Utah Broadcasting Co., Price, Utah.—Application for C. P. for new station; **1420 kc.,** 100 watts, unlimited time, site to be determined with Commission's approval.

WTMJ—The Journal Company (Milwaukee Journal), Milwaukee, Wis.—Renewal of license, **620 kc.,** 1 KW, with an additional 4 KW from local sunrise to local sunset only, unlimited.

KNX—Western Broadcast Co., Los Angeles, Calif.—Renewal of license; **1050 kc.,** 50 KW, unlimited time.

KFRO—Don Lee Broadcasting System, San Francisco, Calif.—Renewal of license; **610 kc.,** 1 KW, unlimited time.

WAIU—Associated Radiocasting Corp., Columbus, Ohio.—Renewal of license, **640 kc.,** 500 watts, limited time. To be heard by the Broadcast Division on November 14, 1935.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KTHS, Hot Springs National Park, Ark.; WATR, Waterbury, Conn.; WEW, St. Louis, Mo.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Present license extended for a period of 1 month from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Present license extended for a period of 3 months from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Present license extended for a period of 3 months from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.

WINS—Hearst Radio, Inc., New York City.—Present license extended for a period of 3 months from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.

ACTION ON EXAMINER'S REPORT

WCAE—Ex. Rept. No. 1-63: WCAE, Inc., Pittsburgh, Pa.—Granted C. P. to install new equipment and operate on **1220 kc.,** 1 KW night; increase day power from 1 to 5 KW, unlimited time. Examiner G. H. Hill sustained. Order effective July 30, 1935.

ACTION IN CASE HEARD BY BROADCAST DIVISION

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted renewal of license, **570 kc.,** 500 watts, unlimited time. Order effective August 6, 1935.

MISCELLANEOUS

WMBG—Havens & Martin, Richmond, Va.—Hearing scheduled for August 8 continued to date to be set by Docket Section. Same to be heard with applications of WRVA, WPHR, and WLBG and Century Broadcasting Co., Inc.

KFUO—Evangelical Lutheran Synod of Missouri, etc., Clayton, Mo. —Denied permission to withdraw without prejudice application for authority to operate a broadcasting station on **640 kc.,** 1 KW, daytime only, part of facilities of WOI. Application to remain in hearing docket.

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Application for renewal of license to remain in hearing docket until Commission renders decision in hearing held before Broadcast Division.

Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex. —Granted authority to take depositions in support of application for C. P. for new station at Abilene, Tex.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Application for modification of license, **560 kc.,** 1 KW, unlimited time, which has been pending before Commission since April 4, 1933, and was superseded by the permanent grant of power of 1 KW day, on June 11, 1935, was retired to the closed files.

APPLICATIONS DENIED

The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b):

NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Homer York, Lufkin, Tex.—C. P., **1350 kc.,** 250 watts, specified hours.

NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—C. P., **1310 kc.,** 100 watts, unlimited time.

RENEWAL OF LICENSES
(Action taken July 16, 1935)

The following stations were granted renewal of licenses for the regular period:

KEX, Portland, Ore.; KFEQ, St. Joseph, Mo.; KGDM, Stockton, Calif.; KMMJ, Clay Center Nebr.; KMOX St. Louis Mo.; KPCB, Seattle, Wash.; KPO and auxiliary, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City; KSOO, Sioux Falls, S. Dak.; KVOO, Tulsa, Okla.; WAPI, Birmingham, Ala.; WBAL Baltimore Md.; WBT, Charlotte, N. C.; WBZ, Boston, Mass.; WBZA, Boston, Mass.; WCAU and auxiliary, Philadelphia; WENR and auxiliary, Chicago; WHAS, Louisville, Ky.; WHEB, Portsmouth, N. H.; WHO, Des Moines, Iowa; WIBG, Glenside, Pa.; WJJD, Chicago; WJR, Detroit, Mich.; WJZ and auxiliary, New York City; WKAR, E. Lansing, Mich.; WLS and auxiliary, Chicago; WLW, Cincinnati, Ohio; WLWL, New York City; WMAQ, Chicago; WMAZ, Macon, Ga.; WMBI, Chicago; WOAI, San Antonio, Tex., and auxiliary; WOR, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPTF and auxiliary, Raleigh, N. C.; WSAZ, Huntington, W. Va.; WSB, Atlanta, Ga., and auxiliary; WTIC, Hartford, Conn.

KABR—Aberdeen Broadcast Company, Aberdeen, S. Dak.—Granted renewal of license for the period ending January 1, 1936.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—Granted renewal of license for the period ending January 1, 1936.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted renewal of license for the period ending January 1, 1936.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Granted renewal of license for the period ending September 1, 1935.

W2XR—John V. L. Hogan, d/b as The Scientific Broadcasting Service, Long Island City, N. Y.—Granted renewal of experimental broadcast station license for the period ending December 1, 1935, in exact conformity with existing license.

APPLICATIONS RECEIVED

First Zone

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension
1060 of special experimental authorization to change hours of operation from S-WTIC to daily simultaneous operation on **1060 kc.** with KTHS, from 6 a. m. to local sunset at Hot Springs, Ark., from local sunset to 9 p. m., operate unlimited on **1060 kc.** from 9 p. m. on; will synchronize with WJZ on **760 kc.,** with power of 2½ KW, until end of license period, 2-1-36.

NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit
1210 for new station to be operated on **1210 kc.,** 100 watts, unlimited time. Amended to change transmitter site from DeWitt Hotel, Pine St., Lewiston, Maine, to site to be determined, Lewiston, Maine.

Westinghouse Electric and Manufacturing Co., Portable and Mobile. —Construction permit for a general experimental station for **31100, 34600, 37600, 40600 kc.,** 150 watts.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of
900 construction permit (B1-P-80) as modified to extend completion date 60 days after grant; make equipment changes; change transmitter site from Taft Hotel, Chapel St. and College Ave., New Haven, Conn., to Orange and Front Sts., New Haven, Conn.; change studio site from Taft Hotel, Chapel and College Ave, New Haven, Conn., to 1044 Chapel St., New Haven, Conn.

WESG—Cornell University, Ithaca, N. Y.—Extension of special
850 experimental authorization to operate on **850 kc.,** daylight to sunset, New Orleans, for period ending 2-1-36.

WNRI—S. George Webb, Newport, R. I.—Modification of con-
1210 struction permit (1-P-B-2815A) to move transmitter from Turner Road, near Green End Ave., Middletown, R. I., to between Bath Road, Eustis Ave. and Beach Road, Newport, R. I., and make equipment changes. Amended: Move studio from 99 Church Road to Annandale Road, between Merton Road and Bath Road, Newport, R. I.; and extend commencement date from 8-4-35 to 30 days after grant and completion date 180 days thereafter.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of
1420 construction permit (B1-P-2940-a) authorizing erection of new station to operate on **1420 kc.,** 100, 250 watts day, specified hours, requesting extension of completion date from 8-18-35 to 10-18-35.

Second Zone

NEW—WRBC, Inc., Youngstown, Ohio.—Construction permit for
890 new station operating on **890 kc.,** 1 KW, unlimited time.

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for
780 new station to be operated on **550 kc.,** 250 watts, unlimited time. Amended to change frequency from **550 kc.** to **780 kc.,** change power from 250 watts to 1 KW, and make equipment changes.

NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construc-
1370 tion permit for new station to be operated on **1370 kc.,** 100 watts, daytime. Amended: Equipment changes.

NEW—Steel City Broadcasting Company, Harold C. Lund, Bernard
1420 Armstrong, Jerome Mayhall, Pittsburgh, Pa.—Construction permit for new station to be operated on **890 kc.,** 500 watts power unlimited time. Amended: Change frequency from **890 kc.** to **1420 kc.,** power from 500 to 100, 250 watts, daytime.

NEW—Robert E. Cole, Washington, Pa.—Construction permit for
1350 new station to be operated on **1350 kc.,** 250 watts power, daytime operation. Amended to change name from Robert E. Cole to Robert E. Cole, d/b as Washington Broadcasting Company.

Third Zone

NEW—Clarence Scharbauer, Midland, Tex.—Construction permit
1200 for new station to be operated on **1200 kc.,** 100 watts, daytime.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—
1420 Modification of construction permit (B3-P-308) to make

equipment changes. Amended: For approval of transmitter site at 104½ E. 4th St., Pecos, Tex., and approval of type of antenna.

WMBR—Florida Broadcasting Company, Jacksonville, Fla.—Construction
1370 permit to make equipment changes, increase power from 100 to 250 watts day. Consideration under Rule 6 (g). Amended: Change transmitter site from 33 W. Adams St., Jacksonville, Fla., to Jacksonville, Fla. (no street address given).

NEW—J. R. Maddox, J. Richards, d/b as Tuscaloosa Broadcasting
1370 Co., Tuscaloosa, Ala.—Construction permit for new station to be operated on **1370 kc.,** 100 watts power, daytime.

NEW—Carter Publications, Inc., Portable-Mobile.—Construction permit to erect a new station to be operated on **1606, 2020, 2102, 2760 kc.,** 50 watts, A3.

WRGA—Rome Broadcasting Corp., Rome, Ga.—License to cover
1500 (B3-P-254) as modified to make equipment changes and increase power from 100 watts to 100 watts night, 250 watts day.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg
620 Chamber of Commerce, Clearwater, Fla.—Extension of special experimental authorization to operate with 1 KW using directional antenna night, 5 KW day, period 9-1-35 to 3-1-36.

Fourth Zone

NEW—Farmers Educational & Cooperative Union of America,
550 North Dakota Division, Bismarck, N. Dak.—Construction permit for new station on **550 kc.,** 1 KW, 5 KW day, unlimited time, facilities of KFYR.

NEW—Harold F. Foraker and Ray D. Luzadder, d/b as The
1500 Wichita Broadcasting Co., Wichita, Kans.—Construction permit erect new broadcast station to be operated on **1500 kc.,** 100 watts power, unlimited time.

Fifth Zone

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Construction
1210 permit erect a new broadcast station to be operated on **1210 kc.,** 100 watts power, daytime. Amended: Change hours of operation from daytime to unlimited.

KLO—Interstate Broadcasting Co., Ogden, Utah.—Construction
1400 permit to make changes in equipment, increase power from 500 watts to 1 KW. Amended: Antenna changes, move transmitter from Route 4, Riverdale Road, approximately 4 miles southwest of Ogden, Utah, to Lakeside, Utah, on Lakeside Road, 2¼ miles southwest of Kayesville, Utah.

NEW—Clark Standiford, Fresno, Calif.—Construction permit to
1370 erect a new broadcast station to be operated on **1210 kc.,** 100 watts power, unlimited time. Amended: Change frequency from **1210 kc.** to **1370 kc.,** time from unlimited to daytime.

Puget Sound Broadcasting Co., Portable.—Construction permit for a general experimental station for **31100, 34600, 37600, 40600 kc.,** 2 watts.

KFBK—James McClatchy Co., Sacramento, Calif.—Modification
1490 of B5-MP-3144 to request approval of transmitter at West. Sacramento Reclamation District 900, Calif., make equipment changes, extend commencement and completion dates.

NEW—Merced Star Pub. Co., Merced, Calif.—Construction permit
1040 for new station to be operated on **1040 kc.,** 250 watts, daytime.

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Construction
1310 permit for new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to change frequency from **1500 kc.** to **1310 kc.,** and make equipment changes.

KFUH—Richard Field Lewis, Del Monte, Calif.—Modification of
1210 construction permit (B5-P-3184) authorizing erection of new station to be operated on **1210 kc.,** 100 watts, unlimited, requesting changes in equipment, change transmitter site from Polo Field House, Del Monte Hotel Prop., Del Monte, Calif., to Municipal Wharf, Monterey, Calif., and to extend commencement and completion dates. Amend to omit request for extension of commencement and completion dates.

NEW—Radio Service Corp. of Utah, Portable-Mobile.—Construction permit for new station to be operated on **1646, 2090, 2190, 2830 kc.,** 200 watts, A-3.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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DUFFY COPYRIGHT BILL

The Duffy Copyright Bill S. 3047 which is on the Consent Calendar in the Senate was called up on Monday. The bill was passed over on the objection of Senator Ashurst of Arizona. On Tuesday Senator Ashurst withdrew his objection to the bill. Today (Wednesday) Senator Duffy commenced his opening statement and when the Senate recessed the bill remained as unfinished business for tomorrow's session.

BROADCAST ADVERTISING BY TYPES OF STATIONS AND RENDITION

The compilation and publication by the NAB of monthly statistics regarding both network and non-network broadcast advertising volume has made available, for the first time, comprehensive information regarding the use of the medium by advertisers.

Because of the complexity of the task involved, it is necessary to restrict the monthly NAB reports of advertising volume to basic features. The collection of information from stations and networks, however, makes possible additional more detailed studies. The first of these, dealing with retail broadcast advertising, was published recently.

The current report is the second of the special studies to be published by the NAB. It is concerned principally with types of business placed over different classes of stations and the use made of different types of rendition by various industrial groups among the advertisers. A by-product of these analyses has been the compilation of data making possible the construction of estimates which show for the first time the basic economic situation in the industry regarding the distribution of advertising volume among classes of stations.[1]

Distribution of National and Local Advertising

There is a marked variation in the distribution of national and local advertising among various classes of stations. It is estimated that national business represents approximately 85 per cent of all business placed over high-powered regional and clear channel stations.[2] National business accounts for about 70 per cent of total gross time sales on the part of regional stations, and for one-eighth of local station volume.

The situation is slightly different when network volume is excluded from the picture and when national *non-network* business is analyzed separately. In the case of high powered regional and clear channel stations, national business of this type represents about 60 per cent of *total non-network volume.* National non-network advertising constitutes approximately 35 per cent of regional station non-network business. Since local stations are affiliated with networks of any type only to a very small degree, the separate analysis of national non-network business does not change the proportion of national and local volume presented in the preceding paragraph.

There is undoubtedly a considerable difference in the proportion of national and local business enjoyed by network-affiliated and non-network-affiliated stations of the same power. Unfortunately sufficiently detailed information is not available to make possible a complete analysis of the situation in this respect. Estimates are possible, however, as to the proportion of total advertising volume placed over network-affiliated stations. For 1934 the proportion of total broadcast advertising volume placed over stations affiliated with national networks has been placed at approximately 75 per cent. These stations represent approximately one-third of the commercial transmitters in the country. It is estimated that network-affiliated stations accounted for slightly less than two-thirds of the national non-network volume during the year, and for slightly more than 55 per cent of all non-network advertising, national and local combined.

Nature of National Non-network Advertising

National non-network advertisers form a less homogeneous group than do the users of national networks. Two groups are found in the national non-network field: the national distributor who employs non-network advertising in preference to networks or to supplement network efforts and the regional distributor whose sales are confined to more limited territories. In the case of the latter group, the line of cleavage between national and local is not always completely clear-cut. Regional distributors account for an important proportion of national non-network business and should constitute a market for further development.

Station Business by Size of Community

There has been some question as to whether station revenues vary principally with power or on the basis of the size of the community served. Other than the distinction, already made, between network-affiliated and other stations, power seems to be the principal determinant of gross income. This situation undoubtedly arises out of the lack of appreciation on the part of many advertisers of the fact that coverage or circulation are by no means synonymous with power, and that other factors may easily offset a mere power advantage.

In the case of high-powered regional and clear channel stations, the only variation of major importance in non-network business, at least, is with regard to stations located in towns of 500,000 and more in population and smaller communities. The average monthly non-network revenues of the former group tend to be twice those of stations of similar power located in communities of between 250,000 and 500,000 population. There is little difference again until communities of less than 100,000 population are reached, when revenues decline materially.

The same general trend prevails with regard to non-network revenues of regional stations. There is little or no difference in the average monthly revenues of local stations when analyzed on the basis of the size of community served. Gross income of stations located in towns of less than 50,000 is somewhat smaller than for stations located in larger communities, but not sufficiently so to be significant.

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[1] The report is based upon an identical sample of 65 stations, representing about 25 per cent of the gross time sales of the medium, together with such supplementary data as was required to arrive at the more general estimates. The stations in question represented every class of transmitter and section of the country. The uniformity of behavror within the sample, and the high degree of correlation found between it and available comparable data, justify the application of the results secured to the medium as a whole. The study was made during a 13-month period embracing the 1934 season. The basic statistical compilations, from which the tables were later derived, were the work of Bernard Rose, Jr., a senior in the Wharton School of Finance and Commerce of the University of Pennsylvania.

[2] The same three classes of stations as are used in the monthly NAB reports are employed in this study: stations over 1,000 watts in power; 250-1,000 watts; and 100 watts. Night time power is used as the basis for classification. For purposes of convenience of expression, and because they are descriptive of the following classes, these groups will be referred to throughout the study in the following manner: high-powered regional and clear channel stations; regional stations; local stations. The high-powered regional stations have been classified with the clear channel group because they display the same general economic characteristics. All stations in the first group operate on power of 5,000 watts and upwards.

In contrast to the situation with regard to revenues by size of community, analysis of station revenues on the basis of power reveals a uniform tendency for volume of business to group itself on this basis. The principal exception in this field is with regard to the non-network business of clear channel and regional network affiliates, where the line of demarcation is less clear than usual.

Sponsorship of Non-network Advertising

There are important differences in the types of products and services advertised over various classes of stations. Amusements represent a larger proportion of local station business than they do for any other class of transmitter. Gasoline and accessories, drugs and cosmetics, confectionery, beverages and tobacco favor the higher powered regional and clear channel stations.

Clothing and apparel advertising represents a larger proportion of the business of local and regional stations than it does in the case of the higher powered transmitters. Principal advertisers in this field are local retail establishments which tend to seek the less expensive media. Department stores tend to favor the regional stations.

As the size of the station decreases, the variety of advertisers increases. This is evidenced by the rise in the proportion of total business represented by the miscellaneous group when the local station is reached.

The proportion of total non-network broadcast advertising represented by various product and service groups over different size stations is found in Table I:

TABLE I

RELATIVE IMPORTANCE OF DIFFERENT CLASSES OF NON-NETWORK BUSINESS TO STATIONS OF VARYING SIZE

Type of Sponsoring Business	*Percentage total non-network time sales over class of station represented by product or service group.*		
	Over 1,000 watts	*250-1,000 watts*	*100 watts*
1a. Amusements	1.1%	3.8%	8.1%
1–2. Automobiles and accessories:			
1. Automobiles	4.9%	4.5%	3.8%
2. Gasoline and accessories	10.2%	7.8%	5.8%
3. Clothing and apparel	5.2%	8.2%	13.0%
4–5. Drugs and toilet goods:			
4. Drugs and pharmaceuticals	18.0%	9.2%	5.7%
5. Toilet goods	6.7%	3.0%	.6%
6–8. Food products:			
6. Foodstuffs	17.1%	16.5%	13.3%
7. Beverages	4.4%	3.5%	2.9%
8. Confectionery	2.0%	.4%	.2%
9–10. Household goods:			
9. Household equipment and furnishings	5.0%	6.3%	6.3%
10. Soaps and kitchen supplies	2.3%	1.7%	.7%
11. Insurance and financial	2.1%	3.1%	4.0%
12. Radios	.3%	.5%	.5%
13. Department and general stores	3.5%	6.4%	5.2%
14. Tobacco products	5.0%	.4%	.1%
15. Miscellaneous	12.2%	24.7%	29.8%
Total	100.0%	100.0%	100.0%

It must be remembered that the data in the foregoing table represents the *relative* importance of different classes of business to stations of a given size. It does not indicate the proportion of total advertising placed by a given product group—drugs, for instance—on stations of a given class. If the situation were viewed in this light, it is probable that a heavy concentration of the more important industrial groups—automotive, accessory and gasoline, drugs, toilet goods, food, beverages, confectionery, soap and kitchen supplies—would be found on the higher powered stations.

Further differences in the relative importance of different product and service groups advertising over stations of varying power are found if national and local non-network advertising is examined separately. This is done in Tables II and III:

TABLE II

RELATIVE IMPORTANCE OF DIFFERENT CLASSES OF NATIONAL NON-NETWORK BUSINESS TO STATIONS OF VARYING SIZE

Type of Sponsoring Business	*Percentage national non-network time sales represented by product or service group over station class.*		
	Over 1,000 watts	*250-1,000 watts*	*100 watts*
1a. Amusements	.2%	1.1%	1.3%
1–2. Automobiles and accessories:			
1. Automobiles	3.5%	6.6%	4.4%
2. Gasoline and accessories	14.4%	11.5%	9.3%
3. Clothing and apparel	1.3%	2.9%	.1%
4–5. Drugs and toilet goods:			
4. Drugs and pharmaceuticals	21.3%	27.8%	21.8%
5. Toilet goods	8.2%	7.6%	.1%
6–8. Food products:			
6. Foodstuffs	16.6%	10.7%	15.6%
7. Beverages	3.4%	3.7%	8.8%
8. Confectionery	3.0%	.4%	—
9–10. Household goods:			
9. Household equipment and furnishings	2.4%	3.0%	—
10. Soaps and kitchen supplies	2.3%	2.6%	—
11. Insurance and financial	2.9%	1.3%	8.6%
12. Radios	.2%	.1%	—
13. Department and general stores	.1%	.5%	—
14. Tobacco products	6.0%	.6%	—
15. Miscellaneous	14.2%	19.6%	30.0%
Total	100.0%	100.0%	100.0%

TABLE III

RELATIVE IMPORTANCE OF DIFFERENT CLASSES OF LOCAL BUSINESS TO STATIONS OF VARYING SIZE

Type of Sponsoring Business	*Percentage local broadcast advertising represented by product or service group over station class.*		
	Over 1,000 watts	*250-1,000 watts*	*100 watts*
1a. Amusements	2.1%	4.9%	9.1%
1–2. Automobiles and accessories:			
1. Automobiles	6.0%	3.6%	2.7%
2. Gasoline and accessories	5.4%	6.1%	5.4%
3. Clothing and apparel	8.7%	10.6%	15.7%
4–5. Drugs and toilet goods:			
4. Drugs and pharmaceuticals	11.3%	5.5%	3.5%
5. Toilet goods	4.3%	1.6%	.4%
6–8. Food products:			
6. Foodstuffs	15.4%	15.3%	13.3%
7. Beverages	5.1%	3.5%	2.2%
8. Confectionery	.4%	.3%	.3%
9–10. Household goods:			
9. Household equipment and furnishings	7.6%	7.8%	6.8%
10. Soaps and kitchen supplies	1.7%	.6%	.1%
11. Insurance and financial	2.1%	3.6%	3.6%
12. Radios	.1%	.7%	.7%
13. Department and general stores	7.3%	8.1%	6.0%
14. Tobacco products	.3%	.1%	.1%
15. Miscellaneous	27.2%	27.7%	30.1%
Total	100.0%	100.0%	100.0%

In general the two tables confirm the conclusions which may be drawn from the one showing total non-network business. The national non-network volume of local stations is limited in composition. Foodstuffs, beverages, drugs, gasoline and accessories, and financial advertisers are the principal national users. Chain accessory stores and loan and finance companies are important factors in their respective classes in this case. National and local manufacturer-distributors whose products cater particularly to the artisan groups also tend to employ local stations to a considerable degree.

Non-network Advertising by Rendition

The variations in the type of rendition used by non-network advertisers over different classes of stations are particularly interesting. The principal features in this respect are revealed by Tables IV, V and VI:

TABLE IV

PROPORTION OF TOTAL NON-NETWORK BUSINESS OVER STATIONS OF VARYING SIZE BY TYPE OF RENDITION

	Percentage total non-network volume represented by type of rendition, over class of station.		
Type of Rendition	*Over 1,000 watts*	*250-1,000 watts*	*100 watts*
Electrical transcriptions	25.6%	13.0%	8.4%
Live talent programs	46.7%	41.6%	33.7%
Announcements	27.2%	43.6%	46.0%
Records	.5%	1.8%	11.9%
Total	100.0%	100.0%	100.0%

TABLE V

PROPORTION OF NATIONAL NON-NETWORK BUSINESS OVER STATIONS OF VARYING SIZE BY TYPE OF RENDITION

	Percentage national non-network volume represented by type of rendition over class of station.		
Type of Rendition	*Over 1,000 watts*	*250-1,000 watts*	*100 watts*
Electrical transcriptions	36.0%	30.3%	33.6%
Live talent programs	40.5%	33.4%	18.3%
Announcements	23.5%	35.5%	43.0%
Records	—	.8%	5.1%
Total	100.0%	100.0%	100.0%

TABLE VI

PROPORTION OF LOCAL BROADCAST ADVERTISING OVER STATIONS OF VARYING SIZE BY TYPE OF RENDITION

	Percentage of local broadcast advertising represented by type of rendition over class of station.		
Type of Rendition	*Over 1,000 watts*	*250-1,000 watts*	*100 watts*
Electrical transcriptions	12.9%	5.8%	4.9%
Live talent programs	54.2%	45.1%	35.8%
Announcements	31.9%	46.9%	46.4%
Records	1.0%	2.2%	12.9%
Total	100.0%	100.0%	100.0%

It will be noted that electrical transcription volume is concentrated upon the high powered regional and clear channel stations. Electrical transcriptions thus far have not made any great headway in the local station field.

Live talent business is found principally upon the clear channel and regional groups with a slight predominance in the case of the latter class of stations. Financial resources, program facilities, and type of advertisers combine to produce this result.

Announcements constitute a fairly large proportion of the business of every class of station, rising in volume as the size of station decreases. Since programs classified under records are mainly retail participations where records are used, business of an announcement nature is somewhat more in the case of local stations than with regard to other classes, though it does not exceed 60 per cent.

Sponsorship of Types of Rendition

The different types of rendition are not used uniformly by all types of broadcast advertisers. Their use is dependent upon several factors. The financial resources of the average advertiser within the industry in question, the nature and extent of the market to be services, and the preferences of leading companies in the field are among the determinants of the nature of the rendition to be used.

The proportion of total non-network broadcast advertising represented by various types of rendition in the case of different industries is found in Table VII:

TABLE VII

NON-NETWORK BROADCAST ADVERTISING SPONSORS BY TYPE OF RENDITION EMPLOYED

	Percentage of total non-network advertising represented by rendition type.				
Type of Sponsoring Business	*Electrical transcriptions*	*Live talent*	*Announcements*	*Records*	*Total*
1a. Amusements	2.2%	53.1%	41.7%	3.0%	100.0%
1–2. Automobiles and accessories:					
1. Automobiles	17.5%	21.0%	59.0%	2.5%	100.0%
2. Gasoline and accessories	18.8%	39.7%	40.8%	.7%	100.0%
3. Clothing and apparel	7.6%	38.0%	45.2%	9.2%	100.0%
4–5. Drugs and toilet goods:					
4. Drugs and pharmaceuticals	28.2%	48.4%	22.4%	1.0%	100.0%
5. Toilet goods	56.8%	25.3%	17.6%	.3%	100.0%
6–8. Food products:					
6. Foodstuffs	18.6%	48.8%	31.4%	1.2%	100.0%
7. Beverages	21.7%	44.9%	32.3%	1.1%	100.0%
8. Confectionery	40.5%	22.8%	36.5%	.2%	100.0%
9–10. Household goods:					
9. Household equipment and furnishings	6.2%	35.5%	53.8%	4.5%	100.0%
10. Soaps and kitchen supplies	30.8%	42.6%	26.1%	.5%	100.0%
11. Insurance and financial	16.5%	37.1%	45.7%	.7%	100.0%
12. Radios	6.9%	38.6%	49.9%	4.6%	100.0%
13. Department and general stores	6.3%	44.4%	46.6%	2.7%	100.0%
14. Tobacco products	48.2%	24.7%	27.1%	—	100.0%
15. Miscellaneous	12.3%	48.0%	38.3%	—	100.0%
Total	21.7%	47.9%	28.8%	1.6%	100.0%

A number of interesting facts are revealed by the preceding table. The high proportion of live talent programs in the amusement field is explained by remote control programs from dance halls, amusement parks and similar places. Announcement volume is composed of motion picture house announcements, and those of community, fraternal, church and similar entertainments.

Electrical transcription volume in the automotive field is national in origin, as is a considerable portion of the announcement business. The live talent programs are principally local offerings.

Transcription and live talent volume in the gasoline and accessory fields both seem to be mainly national in origin. There is some tendency here for localized brands to take to the air. Announcement volume is mainly local garage, gasoline station and accessory store advertising.

The preponderance of announcements and records in the clothing and apparel field is due to the number of small retailers who are advertising over the radio.

Drug and toilet goods advertisers constitute some of the most important users of electrical transcriptions at the present time. The large proportion of live talent programs in the drug field are due to the practice of some drug companies of buying local station acts, and to the advertising of localized remedy manufacturers. Cosmetic advertising is especially centered in the national distributors, which is probably the reason why the relative proportion of transcription volume is higher in this field than in any other sponsoring group.

Local food and beverage companies—packers, wholesalers, brewers and bottlers—are responsible for a considerable portion of the live talent advertising in the two fields under consideration, while chewing gum and similar advertising is the reason for the high proportion of electrical transcriptions used in the confectionery field.

Retail house furnishing establishments are the cause of the high volume of announcement business, the fairly large amount of records, and a small proportion of the live talent programs used by this product group. Soap and kitchen supply advertising shows less clear-cut trends.

The relatively large proportion of live talent business placed by department stores is of considerable interest. National non-network advertising is the explanation of the transcription volume in the department store group.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The Federal Trade Commission has issued the following complaints, charging unfair competition of various types against the companies involved. The respondents will be given opportunity to appear before the Commission and to show cause why cease and desist orders should not be issued against them.

No. 2499. Aborn Hat Manufacturing Co., Chicago, Ill. Second-hand and discarded men's felt hats are alleged to have been renovated by the respondent and sold to dealers without anything on or about the hats to indicate that they were second-hand. This practice is alleged to have had a tendency to induce many dealers and retail buyers to purchase these hats in the mistaken belief that they were new and unused hats.

The complaint says the cost to the respondent of obtaining and making over these hats is much less than the cost to hat manufacturers of making new hats of similar quality, so that the Aborn company is able to sell these products to dealers at substantially lower prices than those charged by manufacturers for new hats.

The renovating process is described as consisting of cleaning, steaming, ironing and shaping, following which the hats are relined and fitted with new ribbons, sweat bands and size labels. Hearing, Friday August 23.

No. 2500. Certified Products Co., Inc., Birmingham, Ala., and Jerome C. Ard, president and general manager. The complaint alleges that the respondent enticed employees of the Fuller Brush Co. to violate their contractual relations with the Fuller company, and disparaged the financial status, management and business policies of the Fuller company, in violation of the Federal Trade Commission Act.

Regarding the first count of the charge, the complaint says that Certified Products, acting through its duly authorized officials, and particularly through the person of Ard, "continuously enticed and attempted to entice, for the purpose of employing the same, employees of the Fuller Brush Co.," and endeavored to appropriate and did appropriate values created by the Fuller company by enticing and attempting to entice Fuller employees to violate their employment contracts and enter into the employ of the respondent. The values so appropriated are described in the complaint as being the training, experience and ability of these employees as salesmen.

The second count of the complaint charges that Certified Products, through its agents, but particularly through Ard, disparaged the business standing of the Fuller company, the effect being to entice Fuller employees to sever their relations with Fuller.

Certified Products engages in the sale of brushes, dusters, brooms, mops and other furnishings and equipment of like nature.

No. 2501. K & E DeLuxe Padded Van Co., Inc., and United Can Service, Jersey City, N. J. Misrepresentations in the sale of service and facilities in the transfer and hauling business are alleged by the Commission.

Advertisements of these companies are alleged to be false and misleading in that the respondents represent and imply that they own 1,000, 1,200, and 1,250 vans, and have 600 or more offices and are national or international organizations in scope.

It is alleged that the companies also represent and imply that they own all the equipment used in transporting goods to all parts of the United States and Canada, without subcontracting or subletting any business received to other carriers and that by virtue thereof the shipper of goods assumes no risk of sub-letting to irresponsible carriers.

These representations are not true, according to the complaint, as the respondents do not have the number of vans, equipment and offices implied and are not equipped to transport goods over the wide territory described without sub-letting to other carriers.

These representations are alleged to give the respondents unfair competitive advantages. Hearing, Friday, August 23.

Stipulations

No. 1409. Raylite Trading Co., Inc., New York City. The respondent agrees that in the sale of its Christmas tree lighting outfits it will not use the phrase "Made in U. S. A." so as to imply that its products are composed entirely of parts made in the United States of America, when such is not the fact.

Provision is made that when the products consist only in part of elements manufactured in the United States and the slogan "Made in U. S. A." is used, such slogan shall be accompanied by other words in equally conspicuous type to indicate clearly that the articles sold are composed in part of elements not made in the United States.

WTAQ CHANGE RECOMMENDED

Broadcasting Station WTAQ, Eau Claire, Wis., applied to the Federal Communications Commission to grant it unlimited time instead of simultaneous daytime hours with KSCJ and specified night hours. Also it asked for voluntary assignment of its license to WHBY, Inc. and to move the station to Green Bay, Wis. The station operates on a frequency of 1330 kilocycles, 1,000 watts power.

George H. Hill (e) in Report No. I-82 recommends that both applications be granted. The Examiner found that moving the station would not cause any interference, that the moving would increase its service area, that WHBY, Inc., has financial and other qualifications for operating the station and that the change would be in the public interest.

NEW ALABAMA STATION RECOMMENDED

Dr. William J. Reynolds, and William J. Reynolds, Jr., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be located at Selma, Ala., to use 1500 kilocycles, 100 watts power and daytime operation.

R. H. Hyde (e) in Report No. I-80 recommended that the application be granted. The Examiner found that the applicant is financially and otherwise able to construct and operate the proposed station and that public interest would be served.

KOOS CHANGE RECOMMENDED

Broadcasting Station KOOS, Marshfield, Ore., applied to the Federal Communications Commission to change its assignment from 1200 kilocycles, 100 watts and 250 watts L. S., with daytime and specified night hours to 1390 kilocycles, 250 watts L. S. and daytime hours.

John P. Bramhall (e) in Report No. I-81 recommended that the application be granted. The Examiner found that "the public interest, convenience and necessity will be served by granting "the changes asked."

POWER INCREASE FOR WNEW RECOMMENDED

Station WNEW, Newark, N. J. applied to the Federal Communications Commission to increase its daytime power from 2,500 to 5,000 watts. The station operates on a frequency of 1250 kilocycles and shares time with WHBI.

Ralph L. Walker (e) in Report No. I-79 recommends that the application be granted. The Examiner found that an increase in the signal strength of the station is necessary to override the high noise level in the area which it serves. He found also that such power increase in the daytime would not cause interference.

NEW MINNESOTA STATION RECOMMENDED

The Head of the Lakes Broadcasting Company has applied to the Federal Communications Commission for a construction permit for a new station to be erected at Virginia, Minn., to use 1370 kilocycles, 100 watts power and unlimited time on the air.

R. H. Hyde (e), in Report No. I-78 recommends that the application be granted. He found that there is need in the area for the additional facilities, and that no interference would be caused with any existing facilities. The applicant is financially and otherwise qualified to construct and operate such a station and its operation would be in the public interest.

POWER INCREASE RECOMMENDED FOR KSTP

Broadcasting Station KSTP, St. Paul, Minn., applied to the Federal Communications Commission for a power increase from 10,000 watts and 25,000 watts LS to 25,000 watts at all times. The station operates on a frequency of 1460 kilocycles, unlimited time.

Ralph L. Walker (e) in Report No. I-83 recommends "that the application of KSTP for modification of special experimental authorization be treated as an application for modification of license and granted, with the proviso that the applicant shall cause a constant check to be made during such night hours as KSTP operates to determine the strength of the signal in the direction of WJSV at a point one mile from the KSTP antenna, and with the further proviso that the signal strength of KSTP in the direction of WJSV at a point one mile from the antenna shall not exceed 400 millivolts per meter."

CODE OF ETHICS COPIES AVAILABLE

Copies of the revised NAB Code of Ethics and of the revised NAB Constitution and By-Laws will be mailed this week to all member stations.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, August 5, 1935

NEW—Eagle Rock Broadcasting Co. (Charles A. Butler, E. Kaufman), Eagle Rock, Calif.—C. P., **1160 kc.**, 250 watts, daytime.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—C. P., **1500 kc.**, 100 watts, daytime.

NEW—Metro Broadcasting Co., East Los Angeles, Calif.—C. P.,
8-A **820 kc.**, 250 watts, limited with WHAS.

NEW—Bailey Brothers (Burton G., Theodore G., David G., Clinton J. Bailey), San Diego, Calif.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., **1200 kc.**, 100 watts, daytime.

KYA—Pacific Broadcasting Corp., San Francisco, Calif.—C. P., **1230 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **1230 kc.**, 1 KW, unlimited time.

NEW—Miles J. Hansen, Fresno, Calif.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—Harold H. Hanseth, Fresno, Calif.—C. P., **1410 kc.**, 1 KW, unlimited time.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P., **1450 kc.**, 500 watts, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—C. P., **1210 kc.**, 100 watts, 250 watts LS, shares with KFXM. Present assignment: **1210 kc.**, 50 watts, shares with KFXM.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license, **1210 kc.**, 100 watts, shares with KFXM. Present assignment: **1210 kc.**, 50 watts, shares with KFXM.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of license, **1420 kc.**, 100 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, specified hours.

NEW—Hauser Radio Co. (C. R. Hauser & John McGinniss), Ventura, Calif.—C. P., **1310 kc.**, 100 watts, unlimited time.

Wednesday, August 7, 1935

NEW—Cache Valley Broadcasting Service Company, J. A. & J. M. Reeder, L. R. Jensen, Logan, Utah—C. P., **1370 kc.**, 100 watts, unlimited time.

WILL—University of Illinois, Urbana, Illinois—Modification of license, **580 kc.**, 250 watts, 1 KW LS, daytime. Present assignment: **890 kc.**, 250 watts, 1 KW LS, shares with KUSD and KFNF.

NEW—Jack Powers, Frank C. Carman, Davis G. Smith and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah—C. P., **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted temporary extension of special experimental authorization for period of 1 month, to operate with **970 kc.**, 1.5 KW, unlimited time.

KOB—New Mexico College of Agricultural and Mechanic Arts, Albuquerque, N. Mex.—Granted renewal of license for a period of 30 days from August 1, to operate on **1180 kc.**, 10 KW, share hours.

WJZ—National Broadcasting Co., New York City—Granted license to cover special experimental authorization for increase in power from 30 to 50 KW, **760 kc.**, unlimited time.

WMT—Waterloo Broadcasting Co., Waterloo, Ia.—Granted modification of special authorization to install directional antenna; **600 kc.**, 500 watts night, 1 KW day, unlimited time. Under special experimental authorization, 1 KW night, 2½ KW day.

WREC—WREC, Inc., Memphis, Tenn.—Granted modification of C. P. to move transmitter locally, increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day; extend commencement date to this date and completion date to 6 months hereafter.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted transfer of control of corporation from Chas. M. Thomson Holding Corporation to one Saul Haas, **650 kc.**, 250 watts, Ltd., S. A., **710 kc.**

KLZ—Noami F. Bengston, Denver, Colo.—Granted transfer of control of Reynolds Radio Co., licensee of station KLZ, from Noami F. Bengston to E. K. Gaylord, and Inez K. Gaylord (**560 kc.**, 1 KW, unlimited time).

WREN—WREN Broadcasting Co., Lawrence, Kans.—Granted authority to determine operating power by direct measurement of antenna power. Also granted license to cover C. P.; **1220 kc.**, 1 KW night, 5 KW day, share KFKU.

KOKB—E. Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authorization to operate from 8 a. m. to 2 p. m., and from 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6 p. m., and 7:30 to 9 p. m., CST, as at present licensed, but for the period beginning August 1, and ending in no event later than September 1, 1935, pending action on application requesting full daytime operation and S. A. at night. (**1500 kc.**, 100 watts, specified hours.)

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted C. P. to move transmitter locally from Cumberland Hotel to Bailey Ave.; make changes in equipment and increase power from 100 to 250 watts day.

NEW—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time.

WJBK—James F. Hopkins, Inc., Detroit, Mich—Granted C. P. to make changes in equipment.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted license to cover C. P. as modified; **1420 kc.**, 100 watts, unlimited.

KGVO—Mosby's Inc., Missoula, Mont.—Granted temporary license to cover C. P.; **1200 kc.**, 100 watts, unlimited time, subject to approval of proper antenna system.

WLLH—Albert S. Moffat, Lowell, Mass.—Granted consent to voluntary assignment of license to Merrimac Broadcasting Co., Inc., **1370 kc.**, 100 watts night, 250 watts day, unlimited.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted renewal of license for the regular period, **950 kc.**, 1 KW night, 2½ KW day, unlimited, reconsidering its action in designating application for hearing and dismissed same from hearing docket.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authorization to use the 1 KW auxiliary transmitter as an auxiliary to the 5 KW transmitter of this station until 8 p. m., PST. Also granted extension of special experimental authorization to operate from LS at San Francisco to 8 p. m., PST (11 p. m., EST), with 1 KW.

WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authorization to operate daytime to sunset at New Orleans on **850 kc.**, with power of 1 KW for period ending February 1, 1936.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special experimental authorization to operate simultaneously with KTHS on **1060 kc.**, 10 KW, from 6 a. m. to sunset at Hot Springs, Arkansas, and to operate on **1060 kc.**, 10 KW, from sunset at Hot Springs to 9 p. m., EST, and to synchronize with WJZ daily except Sunday on **760 kc.**, 2½ KW after 9 p. m., EST, Sunday, after 8:45 p. m., EST.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted extension of special experimental authorization to operate simultaneously with WBAL from 6 a. m. to local sunset and to remain silent from LS to 8 p. m., CST, and to operate from 8 p. m. to midnight on **1060 kc.**, 10 KW for period of 6 months.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. —Granted extension of special experimental authorization to operate simultaneously with station KRLD, **1040 kc.**, 50 KW, unlimited for period ending November 1, 1935.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authorization to operate simultaneously with station WTIC from Aug. 1, 1935 to Nov. 1, 1935.

WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted extension of special temporary authorization to operate on **1060 kc.**, with 1 KW, Ltd., time, for the period August 1, 1935, and ending February 1, 1936.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authorization to operate on **1040 kc.**, limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period August 1 to Nov. 1, 1935.

NEW—Carter Publications, Inc., Portable-Mobile, Fort Worth, Tex.—Granted C. P. for broadcast pickup station in temporary service for rebroadcast over station WBAP; frequencies **1606, 2020, 2102** and **2760 kc.**, 50 watts.

NEW—The Pulitzer Publisher Co., Portable-Mobile, St. Louis, Mo. —Granted C. P. for new general experimental station, broadcast pickup on experimental basis; frequencies **31100, 34600, 37600, 40600, 86000-400000 kc.**; 5 watts, unlimited time.

NEW—Frank O. Knoll and Julian F. McCutchen, St. Cloud, Minn. —Granted C. P. for new special general experimental station; frequencies **31600, 35600, 38600** and **41000 kc.**, 100 watts, unlimited time.

NEW—Radio Service Corp. of Utah, Portable-Mobile, Salt Lake City, Utah—Granted C. P. for broadcast pickup station in temporary service; frequencies **1646, 2090, 2190** and **2830 kc.**, 200 watts.

NEW—Westinghouse E & M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for new general experimental broadcast pickup station on an experimental basis; frequencies **31100, 34600, 37600** and **40600 kc.**, 150 watts.

W10XFH—National Broadcasting Co., Inc., New York City—Granted renewal of special experimental Portable-Mobile station license to be used to obtain propagation data in connection with a balloon flight to the stratosphere and to transmit messages for rebroadcast purposes in order to inform broadcast listeners of the progress of this scientific undertaking; **13050 kc.**, 10 watts, for period of 90 days from August 1.

SET FOR HEARING

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Renewal of license; **950 kc.**, 1 KW, with additional 1½ KW from local sunrise to local sunset only, unlimited time.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Application for construction permit amended so as to read: **710 kc.**, 1 KW daytime only; also granted petition of KGBX, Inc., to intervene in hearing.

NEW—Carl S. Taylor, Dubois, Pa.—Application for C. P. for new station; **780 kc.**, 250 watts, daytime only.

WPHR—WLBG, Inc., Petersburg, Va.—Application for C. P. to move transmitter and studio from Petersburg to a site to be determined, subject to Commission's approval, at Richmond, Va.

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—Application for C. P. to erect a special experimental station to be used in conjunction with visual station W3XE as a synchronized sound transmitter.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Application for C. P. for new station; studio and transmitter site to be determined, subject to Commission's approval; **1200 kc.**, 100 watts, daytime only.

NEW—L. S. Packard, L. H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Cal.—Application for C. P. for new station; **1160 kc.**, 250 watts, daytime only.

NEW—Dudley J. Connolly, Elliott Knight and Fred Sullivan, d/b as Dudley J. Connolly and Company, Chattanooga, Tenn.—Amended C. P. so as to read: transmitter location to be determined subject to Commission's approval; make changes in equipment; change hours of operation from unlimited to daytime only; to change name of applicant (giving names of partners); **1200 kc.**, 100 watts, daytime.

NEW—Central Texas Broadcasting Co., Inc., Fort Worth, Tex.—Application for C. P. for new station; **1210 kc.**, 100 watts, unlimited time.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Application for C. P. for new station; transmitter site to be determined subject to Commission's approval; frequencies **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

KUJ—KUJ, Inc., Walla Walla, Wash.—Application for C. P. to install new equipment; change frequency from **1370 kc.** to **1450 kc.**; change power from 100 watts to 1 KW, and move station locally.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license; **890 kc.**, 250 watts, unlimited time.

MISCELLANEOUS

WRBX—Richmond Development Corp., Roanoke, Va.—Denied special temporary authority to operate unlimited time, until such time as station WHIS resumes operation, but for a period not to exceed 30 days.

WJZ—National Broadcasting Co., New York City—Retired to files application for extension of special experimental authorization to operate with 50 KW day and night to Feb. 1, 1936, since this matter has been covered by application for license.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in opposition to application of A. O. Jenkins for new radio station to operate on **610 kc.**, 250 watts, unlimited time.

WMFI—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. to change transmitter and studio locally, extend completion date from Aug. 31, 1935, to 60 days after grant.

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special experimental authority to operate with 500 KW night, with directional antenna, and 500 KW day, unlimited time.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authorization to operate on frequency **710 kc.**, 250 watts, unlimited time, for period of 30 days.

WHA—University of Wisconsin, Madison, Wis.—Granted special temporary authorization to operate from 7 to 7:15 p. m., CST, on Tuesdays, with power of 1 KW, for period of 30 days, to permit continuance at established hour of series of weekly broadcasts by Governor LaFollette.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted special temporary authorization to operate from 3:30 p. m., CST, to local sunset, Aug. 14, 15, 16, 17 and 18, 1935, in order to broadcast Annual Homecoming Celebration and Dedication of new Post Office.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Samuel Nathanuel Morris, Stamford, Tex.—C. P., **1420 kc.**, 100 watts, specified hours.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authority, **1240 kc.**, 1 KW, unlimited.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—C. P., **1230 kc.**, 250 watts, 500 watts LS, unlimited.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KTRB, Modesto, Cal.; KYW, Philadelphia, Pa.; WBBM and auxiliary, Chicago; WCAZ, Carthage, Ill; WDGY, Minneapolis, Minn.

The following stations were granted renewal of licenses on a temporary basis only subject to such action as the Commission may take upon their pending applications for renewal:

KFBI, Abilene, Kans.; KIEV, Glendale, Cal.; KMPC, Beverly Hills, Cal.; KWJJ, Portland, Ore.; KXA, Seattle, Wash.; WBAP, Fort Worth, Tex.; WCCO, Minneapolis, Minn.; WESG, Elmira, N. Y.; WFAA, Dallas, Tex.; WHDH, Boston, Mass.; WJAG, Norfolk, Neb.; WNYC, New York City; WOI, Ames, Ia.; WOV, New York City; WPG, Atlantic City, N. J.; WWL, New Orleans, La.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on the application for renewal of this station and on the application of Ark-La-Tex Radio Corp., and any other application involving the facilities of this station now pending before it.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authorization to change hours of operation from S. H. to unlimited, on a temporary basis only, subject to such action as the Commission may take on licensee's pending application now before it.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted renewal of license for the period ending Dec. 1, 1935.

KGFL—KGFL, Inc., Roswell, N. Mex.—Present license extended on a temporary basis only to Sept. 1, 1935, pending receipt and/or action on application for renewal.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license extended on a temporary basis only to Sept. 1, 1935, pending receipt and/or action on application for renewal.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Present license extended on a temporary basis only to Sept. 1, 1935, subject to such action as may be taken upon pending application for renewal.

W6XAR—Julius Brunton & Sons, Co., Portable-Mobile—Present license extended for a period of one month from Aug. 1, on a temporary basis only, pending receipt and action on application for renewal.

W6XAS—Julius Brunton & Sons, Co., Portable-Mobile—Present license extended for a period of one month from Aug. 1, on a temporary basis only, pending receipt and action on application for renewal.

W9XBY—First National Television, Inc., Kansas City, Mo.—Granted renewal of license in exact conformity with existing license for the period August 5 to expire Dec. 1, 1935.

W6XAI—Pioneer Mercantile Co., Bakersfield, Cal.—Granted renewal of license in exact conformity with existing license effective August 12 to expire Dec. 1, 1935.

APPLICATIONS RECEIVED

First Zone

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—
630 Construction permit to install new equipment, increase day power from 250 watts to 1 KW.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Modification of license to increase day power from 500 watts to 1 KW. Amended: To request 1 KW day and night.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile—Construction permit to change equipment and increase power of transmitter to 100 watts.

W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Modification of license to add frequencies **17800** and **21520 kc.**

W2XDV—Atlantic Broadcasting Corp., New York, N. Y.—Modification of license to change station from general experimental (broadcast pick-up) to general experimental (miscellaneous), with deletion of frequencies **31100, 34600, 37600, 40600 kc.**, and addition of frequencies **31600, 35600, 38600**, and **41000 kc.**

WNYC—City of New York Department of Plant and Structures,
810 New York, N. Y.—Construction permit to install new equipment, increase power from 1 to 5 KW, to sunset N. Y., and from sunset New York use 1 KW power to sunset at Minneapolis, move transmitter from Centre and Duane Streets to Victory Blvd. and Travis Ave. New Springfield Park, N. Y.

Second Zone

WASH—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich.
1270 —Construction permit to install a new transmitter and increase power from 500 watts to 1 KW. Amended: To make changes in equipment (antenna).

WADC—Allen T. Simmons, Village of Tallmadge, Ohio—Con-
1320 struction permit to make equipment changes and change operating power from 1 KW night, 2½ KW day to 1 KW night, 5 KW day.

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Extension of
700 special experimental authorization to operate with power of 500 KW day and 500 KW night, using directional antenna for period 8-1-35 to 11-1-35.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids,
1270 Mich.—Construction permit to make equipment changes, increase power from 500 watts to 1 KW. Amended: To make equipment changes (antenna).

WJSV—Old Dominion Broadcasting Co., Alexandria, Va.—Modi-
1460 fication of license to move studio from Alexandria, Va. to Earle Building, 13th and E Streets, N. W., Washington, D. C.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Extension of
880 special authorization to operate with additional 250 watts power from 9-1-35 to 3-1-36.

Third Zone

NEW—The Life Builders, Dr. Alvin J. Corbell, Fort Worth, Tex.—
1200 Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, limited and sharing. Amended: To change frequency from **1310 kc.** to **1200 kc.**, change hours of operation from limited and sharing to unlimited and change transmitter and studio sites from 513 Main St. to 2430 Belknap St., Fort Worth, Texas.

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—Construction permit
1420 for a new broadcast station to be operated on **1420 kc.**, 100 watts, daytime.

KELD—T. H. Barton, El Dorado, Ark.—Modification of con-
1370 struction permit (B3-P-3216) authorizing erection of new station to be operated on **1370 kc.**, 100 watts, unlimited, to request authority to make equipment changes.

NEW—C. E. Baker and H. W. Slavick, Meridan, Miss.—Construc-
1420 tion permit to erect a new broadcast station to be operated on **1420 kc.**, 100; 250 watts, day, unlimited time.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Modi-
1370 fication of license to change hours of operation from specified hours to unlimited.

Fourth Zone

WISN—Hearst Radio Inc., Milwaukee, Wisc.—License to cover
1120 special authorization, to use transmitter formerly licensed as main transmitter of WHAD as an auxiliary transmitter of WISN, to be operated with power of 250 watts at 1217 W. Wisconsin Ave., Milwaukee, Wisconsin.

WCAL—St. Olaf College, Northfield, Minn.—Modification of
1250 license to make changes in specified hours on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays from 9:43-10:16 a. m. to 9:45-10:16 a. m.

NEW—Mankato Broadcasting Co., Mankato, Minn.—Construc-
1210 tion permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

KFEQ—Scroggin & Co., Bank, St. Joseph, Mo.—Construction per-
680 mit to install new equipment, increase power from 2½ to 5 KW power day. Amended: To change name from Scroggin & Co., Bank, to KFEQ, Incorporated.

NEW—Roberts MacNab Hotel Co. (Arthur L. Roberts, R. B. Mac-
1420 Nab, A. J. Breitbach, General Manager), Jamestown, N. D. —Construction permit for new broadcast station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Change frequency from **1420** to **1310 kc.**

Northwestern Broadcasting, Inc., Minneapolis, Minn.— Construction permit for general experimental station for **31100, 34600, 37600, 40600, 86000-400000, 401000 kc.**, and above, 50 watts. Amended: To delete frequencies **31100, 34600, 37600, 40600 kc.**, and add frequencies **31600, 35600, 38600**, and **41000 kc.**

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Con-
1070 struction permit to install a new transmitter and increase operating power from 100 watts to 250 watts. Amended: To move transmitter to site to be determined, Carthage, Illinois.

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hast-
1420 ings, Nebr.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited.

NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy.,
1500 Appleton, Wisc.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broad-
1200 casting Co., Bloomington, Ill.—Construction permit to install new equipment and increase the operating power from 100 watts to 100 watts night, 250 watts day. Amended: To make changes in antenna system.

KFJM—University of North Dakota, Grand Forks, N. D.—Special
1370 experimental authorization to operate on 250 watts day for period ending 1-1-36.

NEW—Burlington Broadcasting Co., Emmons L. Abeles, Secy.,
1370 Burlington, Iowa—Construction permit for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clin-
1310 ton, Iowa—Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited.

Fifth Zone

NEW—Clark Standiford, Visalia, Calif.—Construction permit to
1310 erect a new broadcast station to be operated on **1310 kc.**, 100 watts power, daytime. Amended: Change hours of operation from daytime to unlimited and request 100 watts power night.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to
1310 erect a new broadcast station to be operated on **1500 kc.**,

100 watts power, daytime. Amended: Change hours of from **1500** to **1310 kc.**

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Transfer of
710 control of corporation from Chas. M. Thomsen Holding Corporation to Saul Haas.

KIFO—Nichols and Warinner, Inc., Portable-Mobile—License to cover construction permit (B5-PY-7a) authorizing operation on frequencies **1622, 2060, 2150, 2790 kc.,** 200 watts.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—License to
710 cover (B5-P-433) to make equipment changes.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Extension
710 of special authorization to operate on **710 kc.,** 250 watts power, unlimited time, for period 8-1-35 to 2-1-36.

KFBK—James McClatchy Co., Sacramento, Calif.—Modification
1490 of (B5-P-3144) to request approval of transmitter at W. Sacramento Reclamation District 900, California make equipment changes, and extend commencement date 10 days if this application is granted after 8-30-35, and completion date 90 days thereafter. Amended: To make equipment changes (antenna).

NEW—Robert Kaufman, Inglewood, Calif.—Construction permit
1210 for a new broadcast station to be operated on **1210 kc.,** 100 watts power, specified hours daytime. Amended: to change name and ownership from Robert Kaufman to The Voice of Labor Stations, Inc.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—Con-
1500 struction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts power, unlimited. Amended: change frequency from **1500** to **1310 kc.**

KGVO—Mosby's Inc., Missoula, Mont.—Modification of construc-
1260 tion permit (B5-P-232) authorizing installation of new equipment, changes in frequency from **1200** to **1260 kc.,** increase power from 100 watts to 1 KW, change transmitter site to U. S. Highway No. 93, approximately 3¼ miles northwest of Missoula, Mont.; to request authority to make equipment changes.

The National Association of Broadcasters
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SENATE PASSES DUFFY COPYRIGHT BILL

The Senate today passed the Duffy Copyright Bill S. 3047 with minor amendments.

An amendment offered by Senator Wagner of New York to restore the minimum statutory damage provision was defeated.

The Bill was amended—

1. To preserve for American labor the rights contained in the manufacturing clause of the old law.
2. To allow preliminary injunctions.
3. To preserve certain rights to authors of artistic models or designs.

The bill now goes to the House of Representatives.

The debate on the bill in the Senate will be compiled for the information of members.

RADIO GAINS OVER OTHER MEDIA

The next number of NAB Reports will be devoted to an analysis of broadcast advertising trends during the first six months of 1935. Whereas the monthly statistical reports hereafter will be incorporated in the regular weekly bulletins, the six months report has been printed as a separate issue to make it more readily available to station sales staffs.

The six months analysis will be of promotional interest in that it shows radio to have gained more than any other major advertising medium, when comparison is made with the corresponding period of 1934. Of particular significance is the 50.3 per cent growth of retail broadcast advertising.

The report will indicate that increased use is being made of radio by the manufacturers and distributors of higher-priced commodities such as automobiles, household equipment and furniture, fields which should experience continued buying in view of the volume of demand which has been built up during the past six years by widespread refusal to renew obsolete and worn out equipment.

The report also will show that national network volume has continued its remarkable growth of the past eighteen months, while other portions of the medium, after a somewhat slower start, have made particularly marked gains during the first half of the current year.

Extended markets for radio advertising are indicated in the material growth of clothing, soap and kitchen supply, confectionery, and tobacco advertising over the air.

The continued trend toward the use of station studio programs by national advertisers will be of considerable interest to many broadcasters. Regional networks and stations, interested in national advertising, will find a helpful sign in the very marked trend toward the use of regional network and national non-network advertising by tobacco companies.

A generally encouraging economic outlook for the industry as a whole is indicated by the strong showing made by local advertising and with regard to business placed over local stations.

Additional copies of the six months report will be available on request.

THE NATIONAL LABOR RELATIONS ACT

Because of possible question concerning the National Labor Relations Act (NAB Reports, Vol. 3, No. 4, July 18, 1935), which emerged from the Wagner-Connery Labor Disputes Bill, the following comments are offered as of interest in determining the policies of broadcasting stations subject to the terms of the Act.

On signing the bill on July 5, 1935, President Roosevelt issued the following statement:

"This act defines, as a part of our substantive law, the right of self-organization of employees in industry for the purpose of collective bargaining, and provides methods by which the Government can safeguard that legal right. It establishes a National Labor Relations Board to hear and determine cases in which it is charged that this legal right is abridged or denied, and to hold fair elections to ascertain who are the chosen representatives of employees.

"A better relationship between labor and management is the high purpose of this act. By assuring the employees the right of collective bargaining it fosters the development of the employment contract on a sound and equitable basis. By providing an orderly procedure for determining who is entitled to represent the employees, it aims to remove one of the chief causes of wasteful economic strife. By preventing practices which tend to destroy the independence of labor, it seeks, for every worker within its scope, that freedom of choice and action which is justly his.

"The National Labor Relations Board will be an independent quasi-judicial body. It should be clearly understood that it will not act as mediator or conciliator in labor disputes. The function of mediation remains, under this act, the duty of the Secretary of Labor. It is important that the judicial function and the mediation function should not be confused. Compromise, the essence of mediation, has no place in the interpretation and enforcement of the law.

"This act, defining rights, the enforcement of which is recognized by the Congress to be necessary as both an act of common justice and economic advantage, must not be misinterpreted. It may eventually eliminate one major cause of labor disputes, but it will not stop all labor disputes. It does not cover all industry and labor, but is applicable only when violation of the legal right of indepenent self-organization would burden or obstruct interstate commerce. Accepted by management, labor, and the public with a sense of sober responsibility and of willing cooperation, however, it should serve as an important step toward the achievement of justice and peaceful labor relations in industry." (Congressional Record, July 8, 1935, p. 11129.)

All broadcasting stations operate in interstate commerce and are subject to the provisions of the Labor Relations Act.

The Act establishes certain unfair labor practices. The first unfair labor practice provision, in substance, forbids an employer to interfere with, restrain, or coerce employees in the exercise of their right to self-organization; to form join or assist labor organizations; to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid and protection.

The second unfair labor practice provision deals with the so-called "company-union problem." It makes it unlawful for an employer to dominate or interfere with the information or administration of any labor organization, or contribute financial or other support to it.

The third unfair labor practice makes it illegal for an employer, by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

The fourth unfair labor practice makes it illegal to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the Act.

The final unfair labor practice makes it illegal for an employer to refuse to bargain collectively with the representatives of his employees.

An attempt is made below to answer several of the numerous questions that may arise relative to the provisions of the Act.

Does the Act require union membership on the part of employees? Senator Walsh (Congressional Record, May 16, 1935, page 7957): "The bill does not require or request any employee to join any organization of any kind, shape or character. It does not seek to encourage or bring about the establishment of any labor organization under any employer where there is now none."

Does the collective bargaining provision compel agreement? Senator Walsh (Congressional Record, May 16, 1935, page 7958): "The bill requires no employer to sign any contract, to make any agreement, to reach any understanding with any employee or group of employees." Senator Wagner (Congressional Record, page 7852): "It does not compel anyone to make a compact of any kind if no terms are arrived at that are satisfactory to him. The very essence of collective bargaining is that either party shall be free to withdraw if its conditions are not met."

What about the closed shop? Senator Wagner (Congressional Record, May 15, 1935, page 7852): "While outlawing the organization that is interfered with by the employer, this bill does not establish the closed shop or even encourage it. The much-discussed closed-shop proviso merely states that nothing in any Federal law shall be held to illegalize the confirmation of voluntary closed-shop agreements between employers and workers. This insertion is necessary to prevent repetition of those mistaken interpretations which have held that Congress intended to outlaw the closed shop when it enacted section 7(a) of the Recovery Act."

What about company unions? Are they permitted? Senator Walsh (Congressional Record, May 16, 1935, page 7958): "If employees choose to organize a shop committee or a union for a particular plant or company, they may do so." The Report of the House Committee on Labor (Report No. 1147, page 18): "Nothing in the bill prohibits the formation of a company union, if by that term is meant an organization of workers confined by their own volition to the boundaries of a particular plant or employer."

Does the Act give the Federal government the power to dictate working conditions in any company? Senator Walsh (Congressional Record, May 16, 1935, page 7958): "Nothing in this bill allows the Federal government or any agency to fix wages, to regulate rates of pay, to limit hours of work, or to effect or govern any working conditions in any establishment or place of employment."

Does the Act restrict a company's authority to deal with its employees on the basis of individual merit? The Senate Committee on Education and Labor (Report No. 573, page 11): "Nothing in the bill prevents an employer from discharging a man for incompetence; for advancing him for special aptitude, or for demoting him for failure to perform."

It should be remembered that until the new National Labor Relations Board is appointed, no agency is authorized to exercise any powers under the Act, although the prohibitions of the Act are now effective.

The present National Labor Relations Board, existing in pursuance of Public Resolution No. 44, approved June 19, 1934, ceases to exist on appointment of the new Board and designation of its Chairman. All employees of the old Board are to be transferred to the new Board. All records, papers, and property of the old Board are likewise to be transferred; and all unexpended funds and appropriations to be made available to the new agency.

Cases pending before the old Board are not transferred to the new. A provision doing so was stricken from the legislation after the Supreme Court decision in the Schechter case. Accordingly, all cases before the new Board will be cases initiated by it, and all parties proceeded against will be entitled to such procedural protection as the new Act affords.

In any controversy which may be the occasion for a formal complaint by the National Labor Relations Board, careful consideration should be given to procedure to be followed by the employer. The answer should be clear and complete, and should contain any reservations as to the jurisdiction of the Board, as well as responses to specific charges. It will then be well to consider, even in cases where it is believed the Board has no jurisdiction, whether appearance should be made, directly or through counsel, for the purpose of seeing that the record is accurate and complete. It must be remembered that on appeal the courts will review the record made before the Board, and in some cases the nature of the record may determine the character of the court's decision. A full and complete stenographic record of all conversations between employers and employees concerning wage and hour agreements, etc., properly notarized, should insure a fair presentation of any controversy to the Board.

The following analysis of the provisions of the Act are re-printed, with permission, from the **Prentice-Hall Labor and Unemployment Insurance Service:**

Rights of employees. Sec. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

"General explanation:—Sections 7 and 8 should be read together. In effect they are the product of the experience of the National Labor Board and the National Labor Relations Board in administering Section 7(a) of the National Industrial Recovery Act and are designed to remedy the proved weaknesses of that legislation. The language of section 7 is not substantially different from" * * * section 7(a) of the National Industrial Recovery Act (48 Stat. 198, U.S.C., title 15, sec. 707(a), which provides that—

> "'Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.'

"Similarly, section 2 of the Railway Labor Act of 1934 (48 Stat. 1185) provides:

> "'The purposes of the Act are * * * (3) to provide for the complete independence of carriers and of employees in the matter of self-organization * * *. Employees shall have the right to organize and bargain collectively through representatives of their own choosing * * *. No carrier, its officers or agents, shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice * * *.'

"Similar statements will be found in section 2 of the Railway Labor Act of 1926 (44 Stat. 577, U.S.C., title 45, sec. 152) section 2 of the Norris-LaGuardia Act (47 Stat. 70, U.S.C., title 29, sec. 102); section 77(p) and (q) of the 1933 amendments to the Bankruptcy Act (47 Stat. 1481, U.S.C., title 11, sec. 205(p) and (q)); and section 7(e) of the Act creating the office of the Federal Coordinator of Transportation (48 Stat. 214, U.S.C., title 49, sec. 257(e)).

"The four succeeding unfair-labor practices are designed not to impose limitations or restrictions upon the general guaranties of the first, but rather to spell out with particularity some of the practices that have been most prevalent and most troublesome." Report (No. 573) of Senate Committee on Education and Labor, May 2, 1935, p. 9.

Sec. 8. It shall be an unfair labor practice for an employer—(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

"General explanation.—The first unfair labor practice in section 8, taken in conjunction with the rights stated in section 7, is merely a restatement of a portion of the language of section 7(a) of the National Industrial Recovery Act, quoted previously in this report (par. 5776). Similar pronouncements have been made in the Railway Labor Act of 1934, and in other acts of Congress (48 Stat. 1185, sec. 2 (Railway Labor Act of 1934); 44 Stat. 577, sec. 2 (Railway Labor Act of 1926); 47 Stat. 70, sec. 2 (Norris Anti-Injunction Act); 47 Stat. 1481, secs. 77(p) and (q) (Bankruptcy Act); 48 Stat. 214, sec. 7(e) (Emergency Transportation Act)).

"Objection is constantly made that the bill is limited to unfair labor practices by employers. It is contended that the bill should prohibit 'anyone,' including, of course, an employee or labor organization, from interfering with, restraining or coercing employees in the exercise of these rights, and that without such provision, the bill is 'unfair,' 'one-sided,' and would lead to the domination of industry by organized labor. But it is clear that corresponding to the right of employees to be from interference, etc., by their employer in their organizational activities, is the right of the other party to the negotiations, the employer, to be free in his designation of representatives for that purpose. The Railway Labor Act contains such a reciprocal provision that neither employers nor employees shall in any way interfere with, influence, or coerce the other in their choice of representatives (sec. 2 (3)), but does not deal with organizational activities by employees or labor organizations. Such a reciprocal provision, for bidding employees to interfere with the right of employers to choose their representatives for collective bargaining, would be a merely formal requirement, ignoring the realities of the situation. In the light of common knowledge, it can hardly be said that this right of employers needs protection under this bill. Organizations of employers in trade associations and in national organizations of such trade associations, have blanketed the country; the integration of business into larger corporate units and the formation of such trade associations has not been stopped by the antitrust laws. * * *

"The bill seeks to redress an inequality of bargaining power for forbidding employers to interfere with the development of employee organization, thereby removing one of the issues most provocative of industrial strife and bringing about a general acceptance of the orderly procedure of collective bargaining under circumstances in which the employer cannot trade upon the economic weakness of his employees.

"The report (No. 573) on S. 1958 by the Senate Committee on Education and Labor deals fully and conclusively with this topic. We incorporate a portion of that report:

> " 'There is an even more important reason why there should be no insertion in the bill of any provision against coercion of employees or labor organizations. Courts have held a great variety of activities to constitute "coercion": A threat to strike; a refusal to work on material of nonunion manufacture; circularization of banners and publications; picketing; even peaceful persuasion. In some courts, closed-shop agreements or strikes for such agreements are condemned as "coercive." Thus, to prohibit employees from "coercing" their own side would not merely outlaw the undesirable activities which the word connotes to the layman, but would raise in Federal law the ghosts of many much-criticized injunctions issued by courts of equity against activities of labor organizations, ghosts which it was supposed Congress had laid low in the Norris-LaGuardia Act.
>
> " 'Nor can the committee sanction the suggestion that the bill should prohibit fraud or violence by employees or labor unions. The bill is not a mere police-court measure. The remedies against such acts in the State and Federal courts and by the invocation of local police authorities are now adequate, as arrests and labor injunctions in industrial disputes throughout the country will attest. The Norris-LaGuardia Act does not deny to employers relief in the Federal courts against fraud, violence, or threats of violence. (See 29 U.S.C., sec. 104(e) and (i)).
>
> " 'Racketeering under the guise of labor-union activity has been successfully enjoined under the antitrust laws when it affected interstate commerce. The latest case along these lines is United States v. Local No. 167 et al. (291 U.S. 293).
>
> " 'In addition, the procedure set up in this bill is not nearly so well suited as is existing law to the prevention of such fraud and violence. Deliberations and hearings by the Board, followed by orders that must be referred to the Federal courts for enforcement, are methods of procedure that could never be sufficiently expeditious to be effective in this connection.
>
> " 'The only results of introducing proposals of this sort into the bill, in the opinion of the committee, would be to overwhelm the Board in every case with countercharges and recriminations that would prevent it from doing the task that needs to be done. There is hardly a labor controversy in which during the heat of excitement statements are not made on both sides which, in the hands of hostile or unsympathetic courts, might be construed to come under the common-law definition of fraud, which in some States extends even to misstatements innocently made, but without reasonable investigation. And if the Board should decide to dismiss such charges, its order of dismissal would be subject to review in the Federal courts.
>
> " 'Proposals such as these under discussion are not new. They were suggested when section 7(a) of the National Industrial Recovery Act was up for discussion, and when the 1934 amendments to the Railway Labor Act were before Congress. In neither instance did they command the support of Congress.'

"The succeeding unfair labor practices are intended to amplify and state more specifically certain types of interference and restraint that experience has proved require such amplification and specification. These specific practices, as enumerated in subsections (2), (3), (4), and (5), are not intended to limit in any way the interpretation of the general provisions of subsection (1)." Report (No. 1147) of House Committee on Labor, June 10, 1935, p. 15-17.

Sec. 8. It shall be an unfair labor practice for an employer—

* * * * * * *

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to section 6(a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

"General explanation.—The second unfair labor practice prohibits an employer from dominating or interfering with the formation or administration of any labor organization or contributing financial or other support to it. It is provided, however, that subject to rules and regulations made and published by the Board, an employer may permit employees to confer with him during working hours without loss of time or pay. This section has its counterpart in provisions of other Federal statutes, such as the Railway Labor Act amendments of 1934, section 2; the Bankruptcy Act amendments of 1933 and 1934; and the Emergency Transportation Act, section 7(e).

"It is reliably estimated that about 70 per cent of the company unions now in existence were established subsequent to the passage of section 7(a) of the National Industrial Recovery Act. According to the semi-annual report of the National Labor Relations Board to the President, for the period July 9, 1934, to January 9, 1935, such company unions were a primary or attendant cause of the disputes in about 30 per cent of the cases heard by the National Board; and the great majority of such company unions had become active in contemplation of or contemporaneously with a trade union organizing movement, or in close relation to a strike. Employer-promoted unions are most prevalent in the larger plants and industries, where the bargaining power of the individual worker is very weak, and, curiously enough, where the managements have hitherto been opposed to organization of their workers. It is of the essence that the right of employees to self-organization and to join or assist labor organizations should not be reduced to a mockery by the imposition of employer-controlled labor organizations, particularly where such organizations are limited to the employees of the particular employer and have no potential economic strength."

Sec. 8. It shall be an unfair labor practice for an employer—

* * * * * * *

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: provided, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9(a), in the appropriate collective bargaining unit covered by such agreement when made.

"General Explanation.—The third unfair labor practice prohibits an employer, by discrimination in regard to hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any labor organization. This spells out in greater detail the provisions of section 7(a) prohibiting 'yellow-dog' contracts and interference with self-organization. This interference may be present in a variety of situations in this connection, such as discrimination in discharge, lay-off, demotion or transfer, hire, forced resignation, or division of work; in reinstatement or hire following a technical change in corporate structure, a strike, lock-out, temporary lay-offs, or a transfer of the plant.

"Nothing in this subsection prohibits interference with the normal exercise of the right of employers to select their employees or to discharge them. All that is intended is that the employer shall not by discrminatory treatment in hire or tenure of employment or terms or conditions of employment, interfere with the exercise by employees of their right to organize and choose representatives. It is for this reason that the employer is prohibited from encouraging or discouraging membership in any labor organization by such discrimination." Report (No. 1147) of House Committee on Labor, June 10, 1935, p. 19.

Closed Shop and Other Agreements With Unions.—"General Explanation.—The proviso attached to the third unfair-labor practice deals with the question of the closed shop. Propaganda has been wide-spread that this proviso attaches special legal sanctions to the closed shop or seeks to impose it upon all industry. This propaganda is absolutely false. The reason for the insertion of the proviso is as follows: According to some interpretations, the provision of section 7(a) of the National Industrial Recovery Act, assuring the freedom of employees 'to organize and bargain collectively through representatives of their own choosing,' was deemed to illegalize the closed shop. The committee feels that this was not the intent of Congress when it wrote section 7(a); that it is not the intent of Congress today; and that it is not desirable to interfere in this drastic way with the laws of the several States on this subject.

"But to prevent similar misconceptions of this bill, the proviso in question states that nothing in this bill, or in any other law of the United States, or in any code or agreement approved or prescribed thereunder shall be held to prevent the making of closed-shop agreements between employers and employees. In other words, the bill does nothing to facilitate closed-shop agreements or to make them legal in any State where they may be illegal; it does not interfere with the status quo on this debatable subjeet but leaves the way open to such agreements as might now legally be consummated, with two exceptions about to be noted.

"The assertion that the bill favors the closed shop is particularly misleading in view of the fact that the proviso in two respects actually narrows the now existent law regarding closed-shop agreements. While today an employer may negotiate such an agreement even with a minority union, the bill provides that an employer shall be allowed to make a closed-shop contract only with a labor organization that represents the majority of employees in the appropriate collective-bargaining unit covered by such agreement when made.

"Secondly, the bill is extremely careful to forestall the making of closed-shop agreements with organizations that have been 'established, maintained, or assisted' by any action defined in the bill as an unfair labor practice. And of course it is clear that no agreement heretofore made could give validity to the practices herein prohibited by section 8." Report (No. 573) of Senate Committee on Education and Labor, May 2, 1935, p. 11.

Sec. 8. It shall be an unfair labor practice for an employer—

* * * * * * *

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

"General Explanation.—The fourth unfair trade practice—the discharge or other discrimination against an employee who has complained of a violation of the act or given testimony in a proceeding under the act, is self-explanatory.

"This provision is very similar to Executive Order 6711 of May 15, 1934 (no longer in effect), which made it a violation of the N. I. R. A. for any employer operating under an approved code to dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of any approved code."

Sec. 8. It shall be an unfair labor practice for an employer—

* * * * * * *

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9(a).

"General Explanation.—The fifth unfair labor practice makes it illegal for an employer to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9(a).

"The committee wishes to dispel any possible false impression that this bill is designed to compel the making of agreements or to permit governmental supervision of their terms. It must be stressed that the duty to bargain collectively does not carry with the duty to reach an agreement, because the essence of collective bargaining is that either party shall be free to decide whether proposals made to it are satisfactory.

"But, after deliberation, the committee has concluded that this fifth unfair labor practice should be inserted in the bill. It seems clear that a guarantee of the right of employees to bargain collectively through representatives of their own choosing is a mere delusion if it is not accompanied by the correlative duty on the part of the other party to recognize such representatives as they have been designated (whether as individuals or labor organizations) and to negotiate with them in a bona fide effort to arrive at a collective bargaining agreement. Furthermore, the procedure of holding governmentally supervised elections to determine the choice of representatives of employees becomes of little worth if after the election its results are for all practical purposes ignored. Experience has proved that neither obedience to law nor respect for law is encouraged by holding forth a right unaccompanied by fulfillment. Such a course provokes constant strife, not peace." Report (No. 573) of Senate Committee on Education and Labor, May 2, 1935, p. 12.

Representatives and elections. Sec. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

"General explanation.—Section 9 (a) incorporates the majority rule principle, that representatives designated for the purposes of collective bargaining by the majority of employees in the appropriate unit shall be the exclusive representatives of all the employees in that unit 'for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.' As a necessary corollary it is an act of interference (under sec. 8 (1)) (Par. 5825) for an employer, after representatives have been so designated by the majority, to negotiate with individuals or minority groups in their own behalf on the basic subjects of collective bargaining.

"The misleading propaganda directed against his principle has been incredible. The underlying purposes of the majority rule principle are simple and just. As has frequently been stated, collective bargaining is not an end in itself; it is a means to an end, and that end is the making of collective agreements stabilizing employment relations for a period of time, with results advantageous both to the worker and the employer. There cannot be two or more basic agreements applicable to workers in a given unit; this is virtually conceded on all sides. If the employer should fail to give equally advantageous terms to nonmembers of the labor organization negotiating the agreement, there would immediately result a marked increase in the membership of that labor organization. On the other hand, if better terms were given to nonmembers, this would give rise to bitterness and strife, and a wholly unworkable arrangement whereby men performing comparable duties were paid according to different scales of wages and hours. Clearly then, there must be one basic scale, and it must apply to all.

"It would be undesirable if this basic scale should result from negotiation between the employer and unorganized individuals or a minority group, for the agreement probably would not command the assent of the majority and hence would not have the stability which is one of the chief advantages of collective bargaining. If, however, the company should undertake to deal with each group separately, there would result the conditions pointed out by the present National Labor Relations Board in its decision in the Matter of Houde Engineering Corporation (1 N. L. R. B. 35 (Aug. 30, 1934) (Par. 24, 214 P.-H. Labor Services):

> "'It seems clear that the company's policy of dealing first with one group and then with the other resulted, whether intentionally or not, in defeating the object of the statute. In the first place, the company's policy inevitably produced a certain amount of rivalry, suspicion, and friction between the leaders of the committees. * * * Secondly, the company's

> policy, by enabling it to favor one organization at the expense of the other, and thus to check at will the growth of either organization, was calculated to confuse the employees, to make them uncertain which organization they should from time to time adhere to, and to maintain a permanent and artificial division in the ranks.'

"Speaking of the company's suggested alternative that it deal with a composite committee made up of representatives of the two major conflicting groups, supplemented by other individual employees, the Board pointed out:

> " 'This vision of an employer dealing with a divided committee and calling in individual employees to assist the company in arriving at a decision is certainly far from what section 7(a) must have contemplated in guaranteeing the right of collective bargaining. But whether or not the workers' representation by a composite committee would weaken their voice and confuse their counsels in negotiating with the employer, in the end whatever collective agreement might be reached would have to be satisfactory to the majority within the committee. Hence the majority representatives would still control, and the only difference between this and the traditional method of bargaining with the majority alone would be that the suggestions of the minority would be advanced in the presence of the majority. The employer would ordinarily gain nothing from this arrangement if the two groups were united, and if they were not united he would gain only what he has no right to ask for, namely, dissention and rivalry. * * *'

"Since the agreement made will apply to all, the minority group and individual workers are given all the advantages of united action. And they are given added protection in various respects. First, the proviso to section 9(a) expressly stated that 'any individual employee or a group of employees shall have the right at any time to present grievances to their employer.' And the majority rule does not preclude adjustment in individual cases of matters outside the scope of the basic agreement. Second, agreements more favorable to the majority than to the minority are impossible, for under section 8 (3) any discrimination is outlawed which tends to 'encourage or discourage membership in any labor organization.' Nor does the majority rule in itself establish a closed shop or encourage a closed shop, that being a matter of negotiation and agreement requiring the assent of the employer, as discussed above.

"In view of what has been said, it is apparent that those who oppose majority rule in effect oppose collective bargaining and the making of collection agreements as the end thereof, by seeking to create conditions making such accomplishment impossible. Those who profess to favor collective bargaining and the general purposes of this bill should favor majority rule, which is the only practical method of achieving the desired ends. Majority rule is at the basis of our democratic institutions. The same organized employer groups who now oppose majority rule for workers have publicly announced their adherence to it as applied to the formulation of codes of fair competition. It has been the experience of the National Labor Relations Board in cases before it that employers opposing majority rule wished only to keep their responsibilities diffused and to maintain in the picture a complacent minority group, typically a company union, so that no collective agreement might be reached a all. This motivation has been brought to the surface in specific cases where employers refused to recognize the rule when trade unions represented the majority, although in the course of the previous history of the disputes in question, when the opposing employer-promoted company unions had a majority, the employers had invoked the majority rule as the excuse for their refusal to deal with the same trade unions. Thus in Matter of Guide Lamp Corporation (1 N. L. R. B. 48 (1934) (par. 14, 216 P.-H. Labor Service), the Board said:

> " '* * * The company has not always felt the same consideration it now expresses for minority groups. In October 1933 the union addressed a letter to the company requesting an opportunity to meet and bargain collectively.'

"The company's letter in reply stated that the Guide Employee's Association represented 70 per cent of the employees and concluded:

> " 'If we begin the practice of negotiation with each group which presents itself, we will not be complying with the provisions of the National Recovery Act, and a great deal of confusion would result. If there is any complaint or grievance which you wish to present, we shall be glad to consider it, but any negotiation or collective bargaining must be with the committee representing the great majority of our employees.'

"Many precedents for majority rule in labor relation may be cited. Thus it has been applied by the National War Labor Board, the Railway Labor Board, the National Labor Board, and by the three boards established under Public Resolution 44; the National Steel Labor Relations Board, the National Textile Labor Relations Board, and the National Labor Relations Board. The rule was expressly written into the statute books by Congress in the Railway Labor Act of 1934: 'Employees shall have the right to bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act' (sec. 2(4) (par. 5601))." Report (No. 1147) of House Committee on Labor, June 10, 1935, pp. 19-22.

Majority Rule.—"Development of majority rule principle by federal agencies prior to 1933.—The National War Labor Board, created by President Wilson in the spring of 1918, with Frank P. Walsh and the late William Howard Taft as joint chairmen, promulgated as one of its principles a clause almost identical with Section 7(a) reading as follows: 'The right of workers to organize in trade-unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged or interfered with by employers in any matter whatsoever.' In application of this principle the Board in numerous instances recognized the majority rule. In what was perhaps its most famous case, that involving the employees of certain munitions plants in Bridgeport, the Board worked out a detailed plan of organization for collective bargaining which was expressly based upon the majority rule. And in a general plan for the election of shop committees in war industries the Board again promulgated the majority rule.

"Two years later, by the Transportation Act of 1920, the Railroad Labor Board was created, and the statute provided that all disputes were to be considered in conferences between the carriers and 'representatives designated and authorized so to confer * * * by the employees * * * directly interested in the dispute.' This language is even more general than that of section 7(a), but the Railroad Labor Board, charged with construing and enforcing the statute, in one of its first important cases laid down the majority rule in the following words: 'The majority of any craft or class of employees shall have the right to determine what organization shall represent members of such craft or class. Such organization shall have the right to make an agreement which shall apply to all employees in such craft or class. No such agreement shall infringe, however, upon the right of employees not members of the organization representing the majority to present grievances whether in person or by representatives of their own choice.' The Railroad Labor Board consistently applied these principles in its decisions. In two of these cases the majority rule came before the Supreme Court of the United States, which, while it did not pass on the legal rights of the parties under the Board's ruling, stated that the principles laid down by the Board were 'just and reasonable.'

"Custom was in accord with these precedents. Even employers who set up employee representation plans consistently provided in these plans, according to a recent study by the National Industrial Conference Board, that representatives for collective bargaining should be elected by majority vote. So far as appears the majority rule was never questioned until employees who had been shepherded into company unions began, under the protection of Section 7(a), to join outside labor unions and to demand the right to bargain collectively through these unions." In re Houde Engineering Corp., (N.L.R.B.) Aug. 30, 1934 (par. 14,214 P.-H. Labor Service).

Rights of Minorities—Proportional Representation.—"General Explanation.—MR. MILLIS * * * Proportional representation of all groups is plausible and democratic and finds an analogy in the Government arrangements of some of the more liberal countries. Just how it will function in collective bargaining in industry remains practically untested by experience. Yet certain things can be said concerning it with a degree of assurance.

"Such an arrangement in a plant or industry tends to keep the organization situation open and plastic, while majority rule tends to maintain and to increase the strength of the representation plan or union which has succeeded in obtaining a recognized majority. But, on the other hand, and because it does keep the organizational situation open and plastic, it inevitably tends to place a premium on continued division of the workers and to make for jealousy, friction, and struggle. This will be true except where the matter of which organization to belong to is of indifference to the workers and in that case there is no reason why they should not belong to and work through one organization. So long as there are two or more rival organizations functioning through a composite committee or council, differences will be exhibited in conference. There is likely to be scheming to gain prestige with labor by advocating heavy demands or to curry favor with management by advocating light ones; there is almost certain to be protest voiced against any decision on policy. In other words, friction and jealousy between organizations will almost certainly be exhibited by their representatives on the committee or council. The employer or employers will almost certainly know precisely what labor will take while labor will not have corresponding knowledge of how much will be given. Moreover, under such an arrangement the workers will certainly not cooperate in making a show of strength by withdrawing their labor power. In bargaining, such a plan is little stronger than an employee representation plan which gets most of its power from prospect of arbitration or from the threat of unionism. Perhaps a proportional representation plan must be a plant or firm scheme of representation; there will be no organization to bargain with and to secure standards for the entire industry or such of it as is important in a given market; there will be in the picture nothing corresponding to the international usually behind and over the local unions, advising them, strengthening them, supervising them, disciplining them, and usually seeing to it that they stand by collective agreements entered into. Not only is labor likely to be weak in bargaining under a scheme based upon proportional representation; there will not be the same centralized responsibility for finding solutions for production or cost problems as has been experienced in the cases of such union organizations as the Amalgamated Clothing Workers and which has proved to be of much value to the manufacturers.

"Beyond this, when a committee or council divides in conference, which may be expected to occur as the usual thing, a majority vote must decide. In other words, the representatives of a majority organization, if they stand together, will control. Proportional representation does not get away from the principle of majority rule." Hearings before Senate Committee on Labor, March 18, 1935, pp. 181-182.

Sec. 9.

* * * * * * * * * *

(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

"General Explanation.—Section 9(b) provides that the Board shall determine whether, in order to effectuate the policy of the bill (as expressed in sec. 1), the unit appropriate for the purposes of collective bargaining shall be the craft unit, plant unit, employer unit, or other unit. This matter is obviously one for determination in each individual case, and the only possible workable arrangement is to authorize the impartial governmental agency, the Board, to make that determination. There is a similar provision in the Railway Labor Act of 1934 (sec. 2(9); 2(4)).

"The purpose of the amendment to section 9(b), which was suggested by the Attorney General's Office, is merely to provide some nominal standards in connection with the provision which allows the Board to designate units for the purpose of holding elections. These standards will make it more likely that the bill will receive a favorable reception in the courts. Report (No. 1147) of House Committee on Labor, June 10, 1935, p. 22."

SEND IN RECOGNITION SUBSCRIPTIONS

Stations are requested to indicate at their earliest convenience whether they intend to avail themselves of the facilities of the NAB Agency Recognition Bureau, when established. First response to the recently mailed prospectus has been encouraging. However, the sooner the full number of requisite stations indicate their intention to subscribe to the bureau, the sooner it can be made an actual working service.

WDRC POWER INCREASE RECOMMENDED

Broadcasting Station WDRC, Hartford, Conn., applied to the Federal Communications Commission for a power increase from 2,500 watts L.S. to 5,000 watts L.S. The station operates on a frequency of 1330 kilocycles, with 1,000 watts night power and unlimited time on the air.

George H. Hill(e) in Report No. I-84 has recommended that the application be granted. The Examiner states that the programs broadcast by the station are generally meritorious and that the proposed power increase would make possible the extension of the service area of the station and that reception would be generally improved. The Examiner found also that the power increase would not cause any additional interference.

WQDM CHANGE DRAWS UNFAVORABLE RECOMMENDATION

Broadcasting Station WQDM, St. Albans, Vt., applied to the Federal Communications Commission to increase its daytime power from 100 to 1,000 watts, to change its frequency from 1370 to 1390 kilocycles and to use certain specified hours of operation.

Melvin H. Dalberge(e) in Report No. I-85 has recommended that the application be denied. The Examiner found that there does not seem to be any public demand for increasing the power of the station "nor does the evidence disclose any very definite assurances of an increased number of advertisers through its facilities should this application be granted."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Analyzed Securities, Inc., Baltimore, Md. (2-1554, Form A-1)
National Gypsum Company, Buffalo, N. Y. (2-1555, Form E-1)
Loose-Wiles Biscuit Company, Kansas City, Mo. (2-1556, Form A-2)
Keystone Custodian Funds, Inc., Philadelphia, Pa. (2-1557, Form C-1)
American Cigarette Tobacco Corp., Danville, Va. (2-1559, Form A-1)
Shaver Forwarding Company, Portland, Ore. (2-1560, Form A-1)
Sonotone Corporation, New York City. (2-1561, Form A-2)
Granite City Steel Company, Granite City, Ill. (2-1562, Form A-2)
Excel Inwall Fixtures, Inc., Wilmington, Del. (2-1563, Form A-1)
Horni Signal Manufacturing Corp., New York City. (2-1564, Form A-1)

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

The following cease and desist orders have been issued by the Trade Commission:

No. 2177. Electro-Magnetic Belt Co., and others, of Minneapolis, Minn. In the sale of the device, known as **"Dorsey's Vita-Noid,"** the respondents are directed to stop asserting that science has made progress in the treatment of diseases by electro-magnetism; that electro-magnetism has brought health and happiness to thousands and that Dorsey's Vita-Noid has created a curative agent which has helped thousands of persons who had become discouraged with results of other treatments for diseases.

The order also forbids the representation that this appliance, because of the electrical magnetism produced by it, tends to eliminate toxic products from the human system and that among the diseases which have successfully responded to this treatment are 25 well-known ailments ranging from asthma and arthritis to goitre, rheumatism, ulcers and varicose veins.

Electro-Magnetic Belt Co. is said to have advertised its appliance in the newspapers, in printed circulars, over the radio and by personal interviews.

J. Dorsey Markwood, of Minneapolis, manufactured the appliances, selling them in various states, including Iowa, Nebraska, Missouri and Wisconsin. Besides Markwood, other respondents named are A. A. Baird, of Sioux City, Iowa, and V. A. Molitor, of Minneapolis, associated with Baird in the sale of the magnetic belts under the trade name of "Vita-Noid of Kansas City", with a place of business in Kansas City, Mo.

No. 2415. Louise Norris of Kansas City, Mo., trading as Louise Norris Company. The respondent is directed to discontinue representing that the "Louise Norris Permanent Lash and Brow Coloring" is safe or harmless and may be used without danger to the skin, the eyes, the eye-sight and the health of users thereof.

To advertise that the product is scientific or is scientifically compounded, is also prohibited in the order, and it is no longer to be represented that use of this preparation as an eyelash or eyebrow coloring has been approved by the United States Government or by boards of health.

The respondent is directed not to assert in connection with the sale of the product that medical authorities of high repute have helped to perfect it or that it is now or ever has been perfected so as not to be dangerous when used as directed.

No. 2429. Baker Paint & Varnish Co., Jersey City, N. J. Use of the phrase "Baker Z & L Combination White ground in strictly pure linseed oil", is prohibited in the order, also use of the words "zinc and lead" or "zinc lead" to brand or label paint or paint pigment, unless and until the pigment in such paint is composed of a combination consisting wholly of lead carbonate and zinc oxide, or a combination of lead sulphate and zinc oxide, each in sufficient quantity and proportion to be substantial and effective.

Stipulations

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 2308. Greenberg & Josefsberg, New York City. The order directs this firm to stop selling to dealers toothpicks or other merchandise packed in boxes or cartons of approximately the same size, form and color as the containers in which the Diamond Match Co., a competitor, sells its toothpicks.

The findings say that "by such means the respondents were enabled to pass off and they did pass off their said toothpicks as and for the toothpicks of their competitors."

Greenberg & Josefsberg are said to have sold foreign-made toothpicks while those of the competitor were a domestic product.

The respondents, Harry Greenberg and Leo Josefsberg, also traded under the following names: G. & J. Manufacturing Co., G. & J. Products, and American Merchandise Co.

No. 2333. Douglas P. Borden, Peoria, Ill., trading as Mormiles, engaged in the business of repairing and selling used or discarded automobile tires. The order directs Borden to stop representing as reconstructed, those tires in which the reconditioning has been limited to the repair of worn or damaged portions, to vulcanizing and painting so they will present a new appearance, and to re-grooving of treads which have worn smooth, by means of cutting a tread design through the smooth face.

Borden is directed to discontinue representing in any manner that the tires he sells and distributes have their original treads, when such is not true.

The respondent consented to issuance of the order to cease and desist.

No. 1410. C. R. and A. L. Brady, Kansas City, Mo., trading as Brady Products Co., B & B Chemical Co., and Western Brokers. The respondents agree to stop using labels or other advertising matter in which their products are referred to by means of exaggerated representations concerning the price. They will also discontinue use of phrases such as "Made from pure oil of banana" and "Raspberry Flavoring Cream", when, respectively, the flavor is a synthetic product or is composed of ingredients other than the juice or fruit of the fruit indicated, unless, in the latter case, proper specified qualifications are made.

No. 1412. E. M. Rosensweig, Washington, D. C., trading as Sun Liquor Co. The misrepresentation of a beverage as "Champagne" when it is not that product made effervescent by natural fermentation and known to the trade and public as "Champagne" will be discontinued by the respondent. The respondent is said to have labeled his product "La Boheme Sparkling Burgundy Champagne."

No. 1414. Vermont Farmers Co., Inc., Springfield, Mass. The respondent agrees to discontinue branding its syrups as "Absolutely Pure" so as to imply that they are all-maple or absolutely pure maple, when this is not true.

Provision is made that when the syrup is a blend of maple and other ingredients, each of which is pure, and the phrase "Absolutely Pure" is used to describe all of them, it should be immediately accompanied by other words in equally conspicuous type to show clearly that the words "Absolutely Pure" are used to qualify the various ingredients and that the product is not made wholly of maple.

This company also agrees to cease using on labels the Great Seal or coat of arms of the State of Vermont, together with the corporate name "Vermont Farmers Company", or in any way implying that the syrup is a Vermont product, when this is not true.

No. 1415. Harry R. Rohde, trading as Mallory Ignition Co., Newark, N. J. The respondent will discontinue, in the sale of an automobile accessory, use of the word "Mallory" as part of or in connection with his trade name, or as a trade mark or label for his product so as to imply that it is made or sold by Mallory Electric Corporation, of Detroit.

Rohde is engaged in the assembly of parts into a unit intended for use in connection with the distributor head of an automobile, to effect a more complete combustion of gasoline. The Detroit firm manufactures electrical equipment for automobiles and, according to the stipulation, has acquired a valuable good will and reputation under its name as a manufacturer.

Rohde also agrees to stop making representations to the effect that his product has been endorsed or approved by the American Automotive Association of Engineers, or by any other association or society, when this is not true.

No. 1416. M. M. Levy, Henderson, Ky. The respondent has agreed to discontinue misleading and excessive representations in the advertisement of his product "Rx 999" as a cure for distemper in dogs.

No. 1417. National Electrical & Automotive School, Inc., Los Angeles, Calif. The respondent has agreed to discontinue misrepresenting its correspondence courses in radio engineering which include instruction in radio, television, sound pictures and general electricity.

The school agrees to stop advertising directly or indirectly that its salesmen do not sell correspondence courses and to discontinue implying that the salesmen represent industrial firms in selecting men for definite positions.

It was advertised that "a limited number of men are now being selected to train for positions in radio and television. Those accepted will be given preliminary training at home and then taken to Los Angeles for special practical experience in the 'National' studios. Transportation paid both ways."

The school agrees to stop representing directly or indirectly that it will pay part or all of the students' transportation to and from Los Angeles, when this is not true.

No. 1419. McGraw, Inc., Farmersville, Texas. The respondent agrees to discontinue the distribution of his candy in such a fashion as to make possible its sale by means of punch board, offering prizes or premiums which were obtained by lot or by chance.

No. 1420. Roddis Lumber & Veneer Co., Marshfield, Wis. The respondent has entered into a stipulation with the Federal Trade Commission to discontinue certain unfair representations in the sale of veneer panels, doors and other built-up wood products.

The stipulation provides that the respondent and the Roddis Company, of Chicago, a subsidiary, cease and desist from using the word "Walnut", either alone or in connection with the word "Canadian", in advertising matter so as to imply that the products sold by these companies are derived from the walnut tree family, when this is not true. The article advertised was "Canadian Walnut Wallboard".

No. 1421. Jessie Rogers, Chicago, trading as the Rogers Remedy Co., and Osan Products Co. The respondent agrees to discontinue representing certain hygienic devices and preparations for women as harmless or safe. One of the articles was said to be neither safe, nor a product a reputable physician would prescribe, while a mechanical device was described as neither safe nor sure, especially when self-applied.

No. 1422. Vernon Distributing Co., Los Angeles, Calif. The respondent has entered into a stipulation with the Federal Trade Commission to stop using the word "Escondido" as part of or in connection with its trade name in advertising wines not produced in the Escondido district of California.

The stipulation points out that wine producers in that district have advertised their products as "Escondido" wines, and both individual growers and the Escondido, Calif., Chamber of Commerce have spent large sums in advertising and creating a demand for their wines.

The Vernon company is said to have used as a trade name "Escondido Vintage Co."

Complaints

No. 2503. The following complaint has been issued by the Federal Trade Commission against the **B. F. Huntley Furniture Co., Winston-Salem, N. C.,** charging unfair competition in the sale of household furniture.

The company's furniture, made from woods other than walnut but resembling walnut in some characteristics and in general appearance, was sold as "Walnut" or "Oriental Walnut", according to the complaint. These representations are alleged to constitute unfair competition with manufacturers who sell household furniture made of walnut and with competitors who sell furniture not made of walnut but who truthfully designate it.

The respondent's use of certain advertising literature is said to have enabled unscrupulous dealers to mislead and deceive customers into believing that the furniture products made and sold by the Huntley Company were composed of and constructed from genuine walnut wood.

Friday, September 6, has been designated for the respondent to show cause why an order to cease and desist from the practices charged in the complaint should not be issued.

Dismissal of Proceedings

No. 2099. The Federal Trade Commission has issued an order closing its proceeding against the **Food Distributors Association of Illinois, and others, with headquarters in Chicago.** The action was taken without prejudice to the reopening of the case or the issuance of a new complaint in the event the public interest requires such action.

The complaint issued against the Food Distributors Association of Illinois and several officers, directors and active and associate members alleged unfair methods of competition having a tendency to bring about regulation and control of trade by and in the interest of the respondents.

No. 2175. The Commission also has ordered closed its case against **Henry Emmerich, formerly of 122 Fourth Ave., New York City, trading as "Marie Dunne"** and charged with false advertising of a massage cream called "Creamo". The Commission ordered closing of the case upon being informed that the respondent is no longer in business, that his present whereabouts are unknown, and that a fraud order has been issued by the Post Office Department against "Marie Dunne". The Commission was also informed that the respondent did not actually own the business, but was an employee of and "dummy" for the business operated by others under the trade names of Nancy Lee, Doris Kent, Marie Dunne and Betty Drew.

WRIT OF INJUNCTION DENIED I. B. OF E. W.

Judge Creel of the Circuit Court, Tenth Judicial Circuit of Alabama, holds "closed shop agreement" between I. B. of E. W. and WSGN, Incorporated, impliedly warrants that the Local Union will have available at all times enough qualified members to supply any reasonable demand, giving the employer a reasonable range of selection; and that before a writ of injunction should issue the complainants must show complete performance on their part of all obligations imposed upon them, or sufficient excuse for failure to perform, and the contract should be preeminently fair and reasonable in its construction and practical operation.

The text of the opinion follows:

No. 39227

Local Union No. 253, International Brotherhood of Electrical Workers, An Unincorporated Association of Individuals, and R. M. Jones, and C. T. Lee, Complainants, vs. WSGN, Incorporated, a Corporation, and Ormond O. Black, Respondents.	Circuit Court, Tenth Judicial Circuit of Alabama. In Equity.

Complainants in the foregoing cause seek to restrain an alleged breach of a collective bargaining agreement entered into by and between Local Union No. 253, International Brotherhood of Electrical Workers, an unincorporated Association of Individuals, one of the complainants in the foregoing cause, and the Respondent, WSGN, Inc., a corporation. The contract is what is termed a "Closed shop agreement" between the employer and the employee.

This Court has heretofore in the case of *Local Unions 109 and 112, Laundry Workers International Union,* an unincorporated Association, and *Local Union No. 339, Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America,* an unincorporated Association, vs. *Leeper's Cleaning and Dyeing,* a corporation et al, held that a collective bargaining agreement is valid and binding. It is further of the opinion that the principles of the so-called "closed shop agreement" between employer and employee is valid and binding according to the weight of recent authority. Each contract of this character, however, of a necessity differs from each other contract. The validity of each must be determined in the light of facts and circumstances surrounding its execution. Such contract, however, to be held valid and binding by the Courts must be preeminently fair and reasonable both in its construction and practical operation.

The controversy in question grows out of an alleged breach whereby the employer discharged certain employees who were members of the Complainant Union and employed in their stead workmen who were non-members, in disregard of the "closed shop" provisions binding the employer to select his employees solely from members of the Complainant Union.

The contract among other things specified that "strikes and lockouts are detrimental * * * and should be avoided." It provides a means of arbitrating disagreements, and states in express terms that in case disagreements or grievances arise: "There shall be no cessation of work by the members of the Party of the Second Part nor any cessation of employment of the Party of the Second Part by the Party of the First Part during the period of consideration of the matter by the Committee." Among the matters to be referred to the Arbitration Board provided in the contract are, that if either party desires "An amendment or change of provision, or provisions herein," the matter of proposed change or amendment shall be submitted by said party in writing to the other party thirty days before such amendment or change shall become effective and that the settlement of such change or amendment shall take the same course as that provided for "disputes or disagreements or grievances."

This Court has heretofore held in the Laundry vs. Leepers case, supra, that such unincorporated association could contract and be contracted with, and could sue and be sued on such contracts. It is there stated, that solemn obligations between the parties should be enforced by the Courts; that there is no valid reason why employer and employee should not perform when bound by a solemn promise; that a willful breach by either, when damages result of the character here involved, should be restrained. A valid and binding contract places responsibility on each of the contracting parties. If it is not enforceable as to one party, it should not be enforceable against the other. If one party does not assume and perform his part of the obligations, the other should not be required to do so. The Courts in an effort to best serve capital, labor and the public generally, should encourage execution of working agreements by assurance to Employer and Employee that all contracting parties will be expected to perform their solemn obligations.

In the case at Bar, there is a conflict in the testimony as to whether or not the contract under which the parties operated was breached and terminated at the time the employee I. J. Jones was discharged and certain other employees immediately refused to report to their post of duty. It is contended by the employer that such contract was breached and terminated, and that the men, including I. J. Jones, were put back to work under protest and because of necessity. The complainant's contention is to the effect that the then breach, if any, was healed. The Employer apparently later recognized the existence of the contract by writing the Complainant Union his letter of May 14, 1935, requesting certain amendments of changes in the contract. Under the circumstances, no act or failure to act of either party done or suffered with reference to the incident occurring about the middle of April, 1935, should be controlling in this decision. Suffice it to say that there was a cessation of work by members of the Complainant Union in violation of the terms of the agreement. It makes no difference whether a "strike was called" or whether the members merely voluntarily failed to report for duty. If the Local Union wishes to secure the benefits of the contract for and on behalf of its employees, it is under the duty to "discipline" its members if necessary as it reserved the right to do in the contract. A breach of this character by the members would constitute a breach by the Union.

The employer Respondent on the 14th day of May, 1935, directed a letter to the Union asking for certain amendments or changes in the agreement and requested the Local to proceed with arbitration as provided in the contract. The amendments or changes requested, if adopted, would have changed very materially, if not have revolutionized the contract. The Complainant instead of selecting arbitrators and proceeding under the terms of the contract decided that there was "Nothing to arbitrate," and so informed the employer. The contract itself does not specify the nature nor the extent of "What amendments or changes" may be requested under its terms. If the requested amendments or changes should prove unreasonable, a fair-minded Board of Arbitrators would so hold. The Court is therefore of the opinion that the question of whether or not to arbitrate was not to be determined by, nor within the discretion of either party to decide. The Contract fixed the procedure to follow.

The testimony to the effect that the Complainants' members were practically all employed by the four Radio Stations in the City of Birmingham, each Station being under a closed shop agreement. It tends to show that the purpose of the Complainant Union was to restrict its membership to such an extent that practically all of its members would be at all times employed by the employers entering into the several "closed shop agreements." Under such circumstances should it become necessary for an employer to replace one of its employees, there would be practically no range of selection available to the employer. If it should become necessary for employers operating the different stations to replace two or more of its employees simultaneously, there would be no range of selection whatsoever.

The desire of the Union to fully protect its members in securing employment and in making the employment secured most favorable is to be commended. On the other hand, the right of the employer to a reasonable range of selection in choosing its employees cannot be denied. Should an employer wish to fill a position with a Radio Technician, or a Radio Engineer, he might be entirely justified in demanding the privilege of making his selection from several artisans, each of whom was qualified to hold the position. It is the opinion of the Court that the contract impliedly warrants that the Local Union will have available at all times enough qualified members to supply any reasonable demand, giving the employer a reasonable range of selection.

The Temporary Writ of Injunction prayed for is an extraordinary writ. Before it should issue the Complainants must show complete performance on their part of all obligations imposed upon them, or sufficient excuse for failure to perform, and the contract should be preeminently fair and reasonable in its construction and practical operation.

The Court, therefore, upon consideration of the cause which is submitted on the Bill of Complaint and testimony as noted by the Register, is of the opinion that the Complainants herein are not entitled to the relief prayed for.

It is therefore ordered, adjudged and decreed by the Court, that the relief prayed for in said Bill of Complaint be and the same is hereby denied and the Bill of Complaint filed in said cause is hereby dismissed. The Complainants are hereby taxed with the costs accrued in said cause for the collection of which let execution issue at the expiration of sixty days from the date hereof, and if such execution is returned "no property found" then execution for costs may issue against the Respondents.

Done and ordered this the 9th day of July, 1935.

E. M. CREEL,
Circuit Judge,
In Equity Sitting.

Broadcast Advertising in June

Developments of the Month

BROADCAST advertising volume in June amounted to $6,583,976, a decline of 12.7% as against the preceding month's level. This decline was considerably less than during the previous year, when June volume dropped 21.6% below that of May. National network advertising during June of the current year declined 13.1% as against the previous month, regional network advertising 1.5%, national non-network business 7.1% and local broadcast advertising 16.6%.

Comparison with Previous Year

Broadcast advertising during June was 21.5% greater than during the corresponding month of 1934. National network advertising experienced a gain of 13.7%, regional network volume increased practically three-fold, national non-network business rose 43.5%, and local broadcast advertising was 26.6% greater than during last June.

Comparison with Other Media

Radio broadcasting has shown the smallest decline from the preceding month and the greatest gain over the corresponding month of 1934 of any major medium. National magazine advertising declined 10.1% as compared to May, national farm paper advertising 19.0%, and newspaper lineage 13.3%. National magazine volume remains comparatively unchanged from the June 1934 level. National farm paper advertising has increased 3.0%, and newspaper advertising has decreased 1.2%.

Non-Network Trends

General non-network advertising declined 12.4% as compared to May and registered a gain of 22.4% as against June 1934. Local station volume showed the greatest stability, decreasing but 2.1% from the May level. Clear channel and high powered regional volume decreased 10.7% and regional volume dropped 17.3%. Non-network advertising in the highest power group was 32.2% greater than during the same month of last year, 23.4% greater in the case of regional stations and 39.6% with regard to local stations.

With the exception of the South, where non-network business decreased but 3.2% during the month, non-network business declined rather evenly throughout the country. Southern and Far Western volume was nearly double that of the previous June, while Mid-Western business rose 19.1%. New England-Middle Atlantic non-network business declined 6.9%, rising network volume probably being responsible for a considerable portion of the drop.

Rendition Trends

Declines were fairly even throughout all types of rendition in both the local and national fields except for an increase of 1.0% in national live talent volume, and a decline of but 7.0% in national transcription business.

National transcription business was double that of June, 1934, while live talent volume showed an increase of 30.0%. Announcements rose 7.0%. Local transcription business was 19.4% greater than last June, live talent volume 6.2%, announcements 33.9% and records 72.8%.

Sponsor Trends

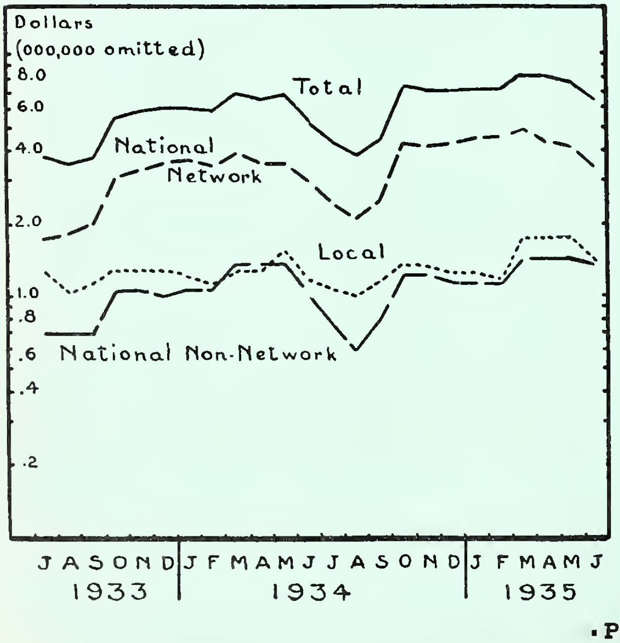
Regional network accessory advertising, national non-network clothing and kitchen supply volume, and regional tobacco advertising experienced the greatest gains as compared with the preceding month. Other than this declines were fairly constant.

Automotive, accessory, drug, clothing, food, tobacco, and household equipment advertising showed the greatest gains as compared with the corresponding month of 1934. National network automotive advertising was double that of the preceding June, while local volume increased 24.4%. National network clothing advertising rose 43.5%, regional volume rose materially and local advertising increased 61.4%.

National network food advertising rose 35.3%, regional business nearly tripled, and national non-network advertising rose 29.7%. Local drug advertising increased 36.8%, and regional volume doubled. National network household equipment advertising increased two and one-half times, and local advertising rose 116.0%. National non-network soap and kitchen supply volume increased 166.0%. National network tobacco advertising rose 34.5%. regional network volume increased materially and national non-network business gained ten-fold.

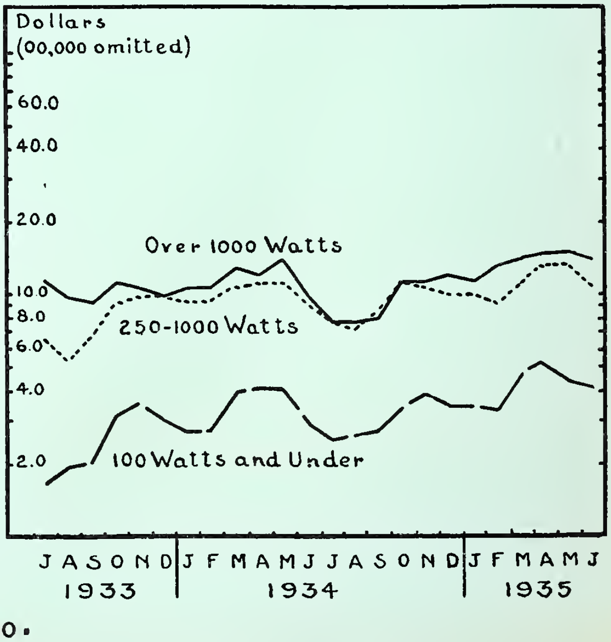
RADIO BROADCAST ADVERTISING VOLUME

July, 1933 to June, 1935



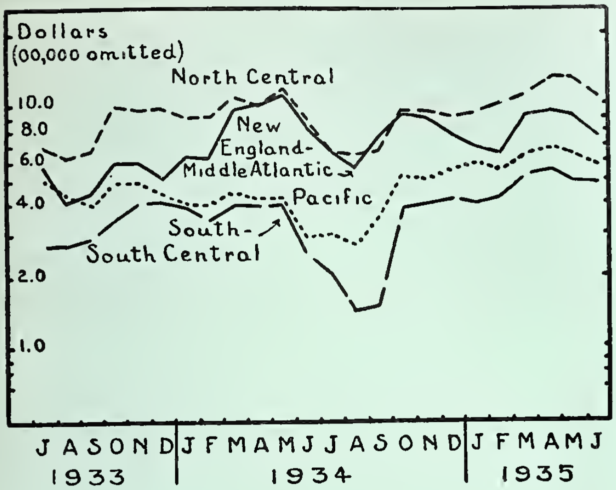
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933 to June, 1935



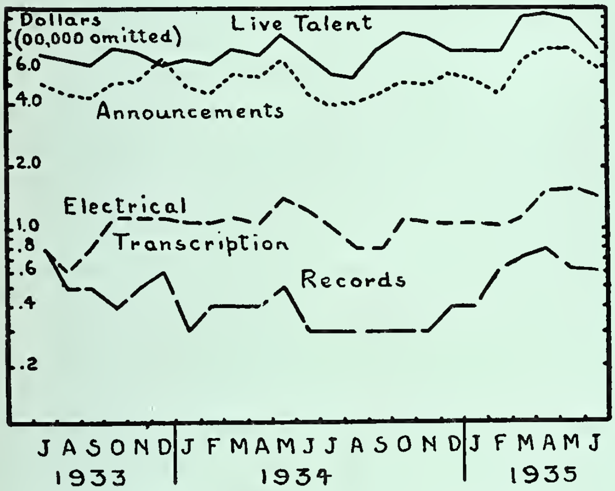
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933 to June, 1935



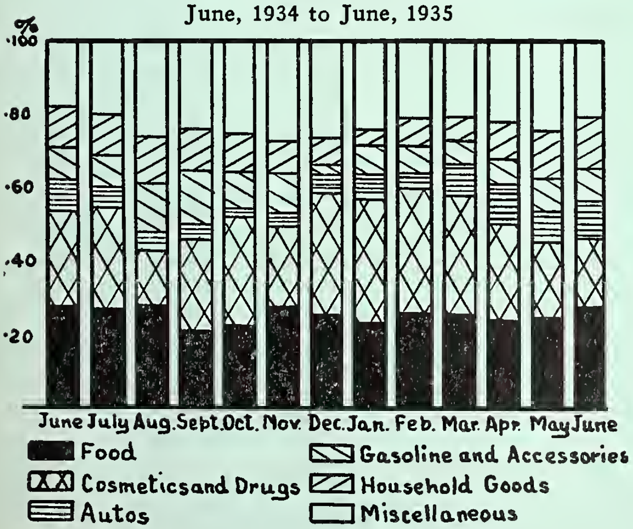
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933 to June, 1935



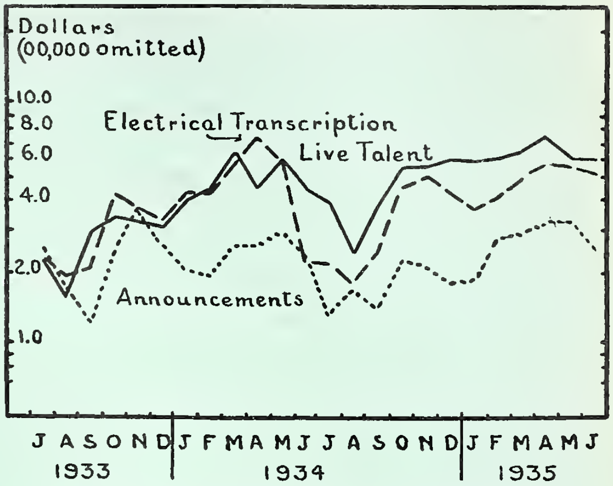
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

June, 1934 to June, 1935



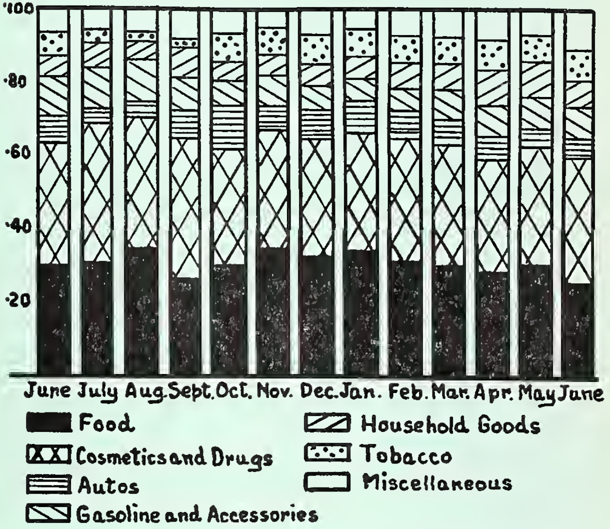
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION

July, 1933 to June, 1935



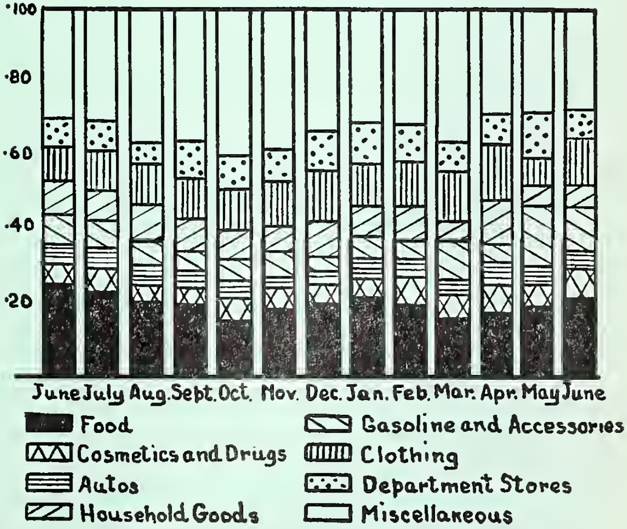
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

June, 1934 to June, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

June, 1934 to June, 1935



Detailed information regarding trends in the various fields is as follows:

1a. ***Amusements.*** Gain 18.0% as against May. Increase 6.0% as compared previous June.

1. ***Automotive.*** Gain national non-network 5.2% compared to May. Decline 14.2% national network and 17.8% local. Slight gain national network compared to June 1934. National non-network volume doubled and local volume up 24.4%.

2. ***Gasoline and accessories.*** National network volume down 4.6% compared May; local 18.6%. Regional network volume up 60.0%, and national non-network 10.0%. National network business 6.0% over previous June; national non-network 64.4%, and regional network 7.2%. Local down 10.6%.

3. ***Clothing.*** National network business 12.6% above May, regional unchanged, national non-network up 45.8%, and local down 24.8%. Compared to June 1934, national non-network up 43.5%, regional up materially, local up 61.4%, and national non-network down 12.5%.

4. ***Drugs and pharmaceuticals.*** National network volume down 14.5%, regional 28.0%, national non-network 25.7%, and local up 9.0%. National network volume 8.0% ahead of June 1934, regional double, national non-network down 2.6%, and local up 36.8%.

5. ***Toilet goods.*** National network volume declined 5.6% as compared to May, and local advertising 30.0%. National non-network rose 13.0%. Compared to June, 1934, national network business rose 14.2%, regional volume remained unchanged, national non-network up 11.4%, and local down 19.7%.

6. ***Foodstuffs.*** National network business down 18.7% compared to May, regional down 16.0%, and local 7.8%. National non-network up 9.0%. National network advertising 35.3% above last June, regional network nearly tripled, national non-network up 29.7%, and local down 12.5%.

7. ***Beverages.*** National network down 13.4% compared to May, regional volume increased materially, national non-network up 25.0%, and local unchanged. Compared to June, 1934, national network down 44.0%, regional down 50.0%, and national non-network 37.3%. Local up 13.3%.

8. ***Confectionery.*** National network 34.0% below May, regional unchanged, national non-network down 55.0%. Local up 34.3%. National network 11.1% above last June, regional unchanged, national non-network up 16.3%, and local up seven-fold.

9. ***Household equipment.*** National network volume 47.1% below May, regional 35.0%, national non-network 56.4%, and local 18.7%. National network business two and one-half times June 1934, regional unchanged, national non-network same, and local up 116.0%.

10. ***Soaps and kitchen supplies.*** National network up 14.8%, national non-network up 166.0%, and local down 50.0%, compared June 1934. All fields declined evenly from May except for 60.0% gain in national non-network.

11. ***Financial and insurance.*** National network up 12.8% as against May, regional unchanged, national non-network 34.4% ahead, and local unchanged. Compared to June 1934, national network unchanged, regional up materially, national non-network up 11.3% and local up 14.1%.

12. ***Radio.*** National network down 2.0% compared to preceding month. National non-network up 56.1%, and local down 50.0%. Compared to corresponding month of preceding year, national network more than doubled, local up 60.0%, and national non-network down 47.0%.

13. ***Department and general stores.*** National non-network down 61.5% as against May and local down 26.8%. National non-network volume 38.7% below preceding June, and local 17.1% above. General volume in field 11.9% above same month of 1934.

14. ***Tobacco products.*** National network business 2.0% under preceding month, national non-network 4.0%, and local 60.0%. Regional advertising up 58.4%. Compared to last June national network up 34.5%, regional network business rose from nothing to $26,468, national non-network volume increased ten-fold and local advertising doubled.

15. ***Miscellaneous.*** National network down 23.6%, regional 45.4%, national non-network 25.0%, and local 19.0%. Compared to June of previous year, national network 34.0% lower, regional network up 38.0%, national non-network 65.6%, and local 12.1%.

Retail Broadcast Advertising

There was a general downward trend in retail broadcast advertising as compared with the preceding month. With the exception of the food field, material gains were experienced in practically all branches of retail broadcast advertising as compared with June of the preceding year. Housefurnishings lead in general gains, with clothing and the automotive fields among the other important branches to show increases.

The following gains were recorded: Automotive, 30.0%; gasoline and accessories, 34.0%; clothing, 41.7%; drug stores and beauty parlors, doubled; restaurants, 52.1%; household equipment retailers, 52.2%; furniture, 59.0%; hardware, 60.0%; department and general stores, 11.9, and miscellaneous retail groups, 50.0%.

General Business Conditions

With the exception of buying in the agricultural areas, business continues uncertain. The *New York Times* index of business activity was 83.6% of the 1923-1925 average during the week of July 16, as compared with 84.3% one month earlier, and 81.3% during the corresponding week of May. It also is compared to 79.7% during the week of July 21, 1934, and to 95.8% during that of July 22, 1933.

Automobile production remained firm and electric power output and steel production showed gains. Prices remained fairly steady with some slight recessions in food and agricultural products.

In the field of distribution, freight car loadings were 6.2% under the previous year's level for the second week in June. June retail rural sales were 38% greater than during the same month of 1934 and 51% greater than in June 1933. The rural retail sales index stood at 99.5% of the 1929-1931 average. Chain grocery store sales, on the other hand, were but 4% greater than during the preceding June, while variety store sales were one-half per cent lower than during the same month of last year.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(June, 1935)

Type of Sponsoring Business	*Gross Time Sales* *National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$4,710	$54,260	$58,970
1–2. Automobiles and accessories:					
(1) Automobiles	$186,694	—	143,455	82,585	412,734
(2) Accessories, gas and oils	350,429	$15,664	120,870	90,930	577,893
3. Clothing and apparel	39,488	4,818	31,950	184,540	260,796
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	399,957	4,820	191,660	87,255	683,692
(5) Toilet goods	841,481	372	70,500	16,670	929,023
6–8. Food products:					
(6) Foodstuffs	758,515	21,322	291,470	205,120	1,276,427
(7) Beverages	199,309	2,354	75,450	104,800	381,913
(8) Confections	38,686	200	23,570	22,705	85,161
9–10. Household goods:					
(9) Household equipment and furnishings	37,104	9,256	43,380	182,220	271,960
(10) Soap and kitchen supplies	206,726	4,128	159,300	5,595	375,749
11. Insurance and financial	27,754	464	11,560	53,020	92,798
12. Radios	80,032	—	2,720	8,320	91,072
13. Retail establishments	—	—	5,715	117,140	122,855
14. Tobacco products	286,857	26,468	56,780	5,570	375,675
15. Miscellaneous	83,583	4,655	167,820	331,200	587,258
Total	$3,536,615	$94,521	$1,400,910	$1,551,930	$6,583,976

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

	1935 Gross Time Sales	
Type of Sponsoring Business	*May*	*June*
Automobiles and accessories:		
Automobile agencies and used car dealers	$108,235	$78,250
Gasoline stations, garages, etc.	79,345	66,720
Clothing and apparel shops	248,847	193,435
Drugs and toilet goods:		
Drug stores	16,128	14,000
Beauty parlors	10,420	10,025
Food products:		
Grocery stores, meat markets, etc.	51,034	42,325
Restaurants and eating places	22,025	26,940
Beverage retailers	1,690	2,500
Confectionery stores	1,780	220
Household goods:		
Household equipment dealers	90,706	69,390
Furniture stores	95,800	70,780
Hardware stores	39,100	23,465
Radio retailers	15,810	10,270
Department and general stores	173,345	122,855
Tobacco shops	343	325
Miscellaneous	83,590	77,350
Total	$1,038,198	$808,850

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*May*	*June*	*Cumulative Jan.–June*
National networks	$4,078,576	$3,536,615	$26,120,410
Regional networks	96,021	94,521	465,899
National non-network	1,509,348	1,400,910	8,591,053
Local	1,862,340	1,551,930	9,898,610
Total	$7,546,285	$6,583,976	$45,075,972

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*May*	*June*	*Cumulative Jan.–June*
Radio broadcasting	$7,546,285	$6,583,976	$45,075,972
National magazines [1]	12,524,188	11,368,313	67,954,820
National farm papers	566,919	475,889	2,973,225
Newspapers [2]	47,998,000	42,345,000	254,551,000
Total	$68,635,392	$60,773,178	$370,555,017

[1] National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

[2] Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*May*	*June*	*Cumulative Jan.–June*
Over 1,000 watts	$1,557,720	$1,388,800	$8,808,965
250–1,000 watts	1,393,710	1,151,060	7,234,055
100 watts	420,348	412,980	2,446,653
Total	$3,371,778	$2,952,840	$18,489,673

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*May*	*June*	*Cumulative Jan.–June*
New England-Middle Atlantic Area	$905,320	$784,407	$4,887,087
South Atlantic-South Central Area	505,420	489,368	2,900,708
North Central Area	1,302,922	1,091,225	6,975,707
Pacific and Mountain Area	658,116	587,840	3,726,171
Total	$3,371,778	$2,952,840	$18,489,673

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*May*	*June*	*May*	*June*	*May*	*June*	*Jan.–June*
Electrical transcriptions	$568,719	$528.420	$176,773	$153,740	$745,492	$682,160	$3,805,738
Live talent programs	593,906	600,000	885,844	730,150	1,479,750	1,330,150	8,817,245
Records	12,045	12,990	60,223	60,460	72,278	73,450	435,151
Announcements	334,768	259,500	739,490	607,580	1,074,258	867,080	5,431,539
Total	$1,509,438	$1,400,910	$1,862,340	$1,551,930	$3,371,778	$2,952,840	$18,489,673

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

Monday, August 12, 1935

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Modification of license, **930 kc.**, 1 KW, 2½ KW LS, unlimited (request facilities KGBZ). Present assignment: **930 kc.**, 1 KW, 2½ KW LS, shares with KGBZ.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Renewal of license, **930 kc.**, 1 KW, 2½ KW LS, shares with KMA.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Modification of license, **930 kc.**, 1 KW, 2½ KW LS, unlimited time (requests facilities KMA). Present assignment: **930 kc.**, 1 KW, 2½ KW LS, shares with KMA.

KMA—May Seed & Nursery Co.—Renewal of license, **930 kc.**, 1 KW, 2½ KW LS, shares with KGBZ.

Tuesday, August 13, 1935

WILL—University of Illinois, Urbana, Ill.—Modification of license, **580 kc.**, 250 watts, 1 KW LS, daytime. Present assignment: **890 kc.**, 250 watts, 1 KW LS, shares with KUSD and KFNF.

Wednesday, August 14, 1935

NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Robert K. Herbst, Moorhead, Minn.—C. P., **1310 kc.**, 100 watts, unlimited time.

Thursday, August 15, 1935

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of license, **1190 kc.**, 100 watts, limited, LS at San Antonio, Texas. Present Assignment: **1190 kc.**, 100 watts, daytime.

Friday, August 16, 1935

NEW—Willis T. Shaughnessy, Bay Shore, N. Y.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Black Hills Broadcasting Co., Rapid City, N. D.—C. P., **1370 kc.**, 100 watts, unlimited time.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—C. P., **1450 kc.**, 1 KW, unlimited time. Present assignment: **1310 kc.**, 100 watts, 250 watts LS, specified hours.

APPLICATIONS GRANTED

KNOW—KUT Broadcasting Co., Austin, Tex.—Granted construction permit to move transmitter locally from Barton Springs Road to 114 West 7th St., Austin, Tex., and to install new equipment.

KIFO—Nichols & Warinner, Inc., Portable-Mobile.—Granted license to cover construction permit for broadcast pickup station in the temporary service on frequencies **1622, 2060, 2150, 2790 kc.**, 200 watts. A3 emission.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted modification of construction permit to extend completion date from 9-8-35 to 10-8-35.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted modification of construction permit to extend completion date from 8-18-35 to 10-18-35.

SPECIAL AUTHORIZATION

KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Granted special temporary authorization to operate from 9 a. m. to 1 p. m. and from 4 p. m. to 9 p. m., CST, during month of August, 1935, instead of from 10 a. m. to 1 p. m., and 4 p. m. to 10 p. m., CST, as now licensed, pending action on application for modification of license.

SET FOR HEARING

NEW—William S. Thellman, New Castle, Pa.—Application for construction permit for new station, studio location to be determined subject to Commission's approval; **1420 kc.**, 100 watts, daytime.

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Application for construction permit for new station, **1210 kc.**, 100 watts, unlimited.

NEW—Clark Standiford, Fresno, Calif.—Application for construction permit for new station, **1370 kc.**, 100 watts, daytime.

NEW—California Sales Contract Co., San Francisco, Calif.—Application for construction permit for new station, **1280 kc.**, 500 watts night, 1 KW day, unlimited time, exact transmitter and studio location to be determined subject to Commission's approval.

NEW—Julius Brunton & Sons Co., Fresno, Calif.—Application for construction permit for new station, transmitter and studio location to be determined subject to Commission's approval; **980 kc.**, 250 watts, daytime.

MISCELLANEOUS

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Denied telegraphic request for authority to operate temporarily at 104½ East Fourth Street (Hotel Brandon), Pecos, Tex., pending determination and approval of another transmitter site.

KNEI—Oregonian Publishing Co., Portable-Mobile.—Retired to files application for construction permit for broadcast pickup station in the temporary service, inasmuch as permit has expired and no application for extension of time or no application for license has been filed.

WMT—WMT Broadcasting Co., Waterloo, Iowa.—Suspended, during balance of license period, conditional clause in license, during construction of directional antenna, regarding interference with WREC at new site, Cedar Rapids, Iowa.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Denied request for authority to take depositions in support of its application for renewal of license and modification of license to be heard August 12, 1935. Denied motion for continuance of case.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Continued until September 5, 1935, hearing schedule for August 27, 1935, on application to change frequency from **1500 kc.** to **1240 kc.** and increase in power from 100 watts to 250 watts night, 1 KW LS.

KNOX—KNOX Broadcasting Co., Schenectady, N. Y.—Application for new station to operate on **1240 kc.**, 1 KW, unlimited time, continued until September 5, to be heard in connection with Augusta, Ga., case.

NEW—Advertisers Publishing Co., Ltd., Honolulu, T. H.—Hearing scheduled for September 17 advanced to first week in September on application for relay broadcasting station to operate on **11850** and **15230 kc.**, 2 KW, specified hours.

NEW—Robert K. Herbst, Moorhead, Minn.—Hearing on application for construction permit for new broadcasting station to operate on **1310 kc.**, 100 watts, unlimited time, scheduled for August 14, continued until a decision is handed down by the U. S. Court of Appeals of D. C. in the case of Head of the Lakes Broadcasting Co. and City of Moorhead v. F. C. C.

NEW—E. L. Clifford, Pottsville, Pa.—Denied motion for continuance for hearing scheduled for August 29, 1935, on application for permit to erect a new broadcasting station at Pottsville, Pa., to operate on **580 kc.**, 250 watts LS.

KBFG—Oklahoma Broadcasting Co., Oklahoma City, Okla.—Denied petition to grant full time on **1370 kc.** without hearing.

APPLICATION DISMISSED

The Broadcasting Division dismissed the following application at the request of the applicant.

NEW—Bailey Bros., San Diego, Calif.—Application for construction permit for new station, **1420 kc.**, 100 watts, unlimited time.

APPLICATION DENIED

The Broadcasting Division denied the following application as in cases of default, applicant having failed to file an appearance and statement of facts.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Application for construction permit for new station, **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

NEW—Fred S. Rogers, Glens Falls, N. Y.—Construction permit
1210 for a new station to be operated on **1210 kc.**, 100 watts, unlimited time.

NEW—General Electric Co., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on **1606, 2020, 2102, 2760 kc.**, 50 watts.

WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—License
990 to cover construction permit (B1-P-566) to make changes in equipment.

Second Zone

NEW—Steel City Broadcasting Co., Pittsburgh, Pa.—Construction
1420 permit for a new broadcast station to be operated on **890 kc.**, 500 watts, unlimited. Amended to change frequency from **890 kc.** to **1420 kc.**, power from 500 watts to 100 watts night, 250 watts day, and make changes in equipment (antenna and tubes).

WELL—Enquirer-News Co., Battle Creek, Mich.—License to cover
1420 construction permit (B2-P-418) to make changes in equipment, increase power, and move transmitter and studio.

WJIM—Harold F. Gross, M. Bliss Keeler, and L. A. Versluis, d/b
1450 as Capitol Broadcasting Co., Lansing, Mich.—Construction permit to install new equipment, increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; change frequency from **1210 kc.** to **1450 kc.**, requesting frequency of WGAR if and when WGAR's application requesting facilities of WMMN is granted.

NEW—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capitol City Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600 kc.**, 15 watts.

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Con-
570 struction permit to move transmitter from Ninth and Indiana Ave., Wichita Falls, Tex., to approximately 2½ miles southwest of center of Wichita Falls, Tex., and make changes in equipment. Amended to request change in frequency from **1240 kc.** to **570 kc.**, power from 1 KW to 250 watts night, 1 KW day (same as licensed).

WDBO—Orlando Broadcasting Co., Orlando, Fla.—Extension of
580 special experimental authorization to operate with additional 750 watts daytime from 9-1-35 to 3-1-36.

WNAD—University of Oklahoma, Norman, Okla.—Modification of
1010 license to change specified hours from 7:15-9:15 p. m. Tuesdays and Thursdays and 8:15-9:15 p. m. Wednesdays, to 2:00-4:00 p. m. Mondays, Tuesdays, Wednesdays and Thursdays and 7:30-9:30 p. m. Tuesdays and Thursdays and 8:30-9:30 p. m. Wednesdays. Requests part of facilities of KGGF.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Con-
1200 struction permit to make equipment changes.

NEW—Clarence Scharbauer, Midland, Tex.—Construction permit
1200 for a new station to be operated on **1200 kc.**, 100 watts, daytime. Amended: Transmitter site to be determined, Midland County, Tex.

WMFR—Hart & Nelson (J. A. Hart and Wayne M. Nelson), High
1200 Point, N. C.—Modification of construction permit authorizing a new station to be operated on **1200 kc.**, 100 watts, daytime, requesting changes in equipment and move of studio and transmitter from Southern Furniture Exposition Bldg., High Point, N. C., to 154 S. Main Street, High Point, N. C., and extend commencement date and completion date.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Special
1210 experimental authorization to operate on frequency **1210 kc.** for period ending 12-1-35.

KUOA—KUOA, Inc., Fayetteville, Ark.—Authority for consent to
1260 transfer of control of corporation of Station KUOA from Fulbright Investment Co. to John Brown University. Amended to change name of transferee to Miss Roberta, Mrs. Roberta, and Miss Helen Fulbright.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modifi-
1300 cation of construction permit (B3-P-220) for new equipment, increase in power from 1 KW to 1 KW night, 5 KW day and move transmitter, site to be determined, requesting extension of completion date from 9-8-35 to 3-8-36.

KVOL—George H. Thomas, Robert M. Dean, Louis M. Sepaugh,
1310 T. B. Lanford, d/b as Evangeline Broadcasting Co., Lafayette, La.—License to cover construction permit (B3-P-219) authorizing new station to operate on **1310 kc.**, 100 watts, unlimited time.

Fourth Zone

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Modification of
630 license to change frequency from **1200 kc.** to **630 kc.**, power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Emmons L. Abeles and Robert J. Dean, co-partners d/b
630 as W. I. S. E. Broadcasting Company, St. Paul, Minn.—Construction permit to erect a new broadcast station to be operated on **630 kc.**, 250 watts power, unlimited time. Requesting facilities of KGDE.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Modifica-
670 tion of construction permit as modified (4-P-B-2876) to extend completion date from 9-4-35 to 11-4-35.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell & Platz,
1010 Coffeyville, Kans.—Modification of license to change specified hours from Sundays, Mondays, Fridays and Saturdays, 6 a. m. to 12 midnight; Tuesdays and Thursdays, 6 a. m. to 7:15 p. m. and 9:15 p. m. to 12 midnight; Wednesdays, 6 a. m. to 8:15 p. m. and 9:15 p. m. to 12 midnight, CST, to Sundays, Fridays and Saturdays, 6 a. m. to 12 midnight; Mondays, 6 a. m. to 2 p. m., 4 p. m. to 7:30 p. m., 9:30 p. m. to 12 midnight; Wednesdays, 6 a. m. to 2 p. m., 4 p. m. to 8:30 p. m., 9:30 p. m. to 12 midnight, CST.

NEW—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.
1200 —Construction permit for a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—Mankato Broadcasting Co., Mankato, Minn.—Construction
1210 permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power, unlimited time. Amended: Transmitter site to be determined.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Modification of license to increase specified hours by the period 9:43 to 9:45 a. m., CST, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays; part of facilities of WCAL. Amended to request modification become effective 9-2-35 and remain in force until WCAL desires this time.

NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy.,
1310 Wausau, Wis.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy.,
1370 Grand Island, Nebr.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

NEW—Winona Broadcasting Co. (Emmons L. Abeles, Secy.),
1500 Winona, Minn.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

W9XHD—Agricultural Broadcasting Co., Portable-Mobile.—License to cover construction permit for general experimental station on **31100, 34600, 37600, 40600 kc.**, 25 watts.

W9XHE—Agricultural Broadcasting Co., Portable-Mobile.—License to cover general experimental station construction permit on **31100, 34600, 37600, 40600 kc.**, 2 watts.

W9XHF—Agricultural Broadcasting Co., Portable-Mobile.—License to cover construction permit for general experimental station on **31100, 34600, 37600, 40600 kc.**, 2 watts.

WOEB—Agricultural Broadcasting Co., Portable.—License to cover construction permit for broadcast pickup station to be operated on **1606, 2020, 2102, 2760 kc.**, 100 watts.

Fifth Zone

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah.
550 —Construction permit for a new station to be operated on **550 kc.**, 500 watts, unlimited time. Amended to make changes in equipment (antenna).

NEW—Melvin D. Close, Provo, Utah.—Construction permit for a
1210 new station to be operated on **1210 kc.**, 100 watts, unlimited time.

NEW—Miles J. Hansen, Fresno, Calif.—Construction permit for a
1420 new station to be operated on **1210 kc.**, 100 watts, unlimited time. Amended to change frequency from **1210 kc.** to **1420 kc.**

NEW—James H. Braffett, Price, Utah.—Construction permit for a
1420 new station to be operated on **1420 kc.**, 100 watts, unlimited time.

W6XAR—Julius Brunton & Sons Co., Portable-Mobile.—Modification of license to include the frequencies **31100, 31600, 34600, 40600, 35600, 38600, 41000 kc.** Amended to omit request for **31600, 35600, 38600** and **41000 kc.**

W6XAS—Julius Brunton & Sons Co., Portable and Mobile.—Modification of license to include frequencies **31100, 31600, 34600, 35600, 37600, 41000.** Amended to omit request for **31100, 34600, 37600 kc.** and delete **40600 kc.**

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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BROADCAST ADVERTISING DURING THE FIRST HALF OF 1934

Principal Developments

Broadcast advertising during the first half of the current year showed a gain of 17.9% as compared to the corresponding period of 1934. Important gains were recorded by all phases of the medium, with regional networks making an especially strong showing. Radio as a whole fared better than any major medium during the period.

Non-network advertising increased on all sizes of stations. The largest gain in non-network volume occurred in the Southern states where volume rose 32.1% as compared with the first half of the previous year.

A gain of 26.7% in national non-network live talent volume, and a decline of 2.4% in national transcription business were the principal developments of importance in the rendition field.

Specialty and shopping goods advertising showed important increases during the period, with automotive, clothing and housefurnishing volume showing marked gains. In the convenience goods field, soap and kitchen supply advertising increased materially in the national and regional network and national non-network fields. Tobacco advertising showed most important gains in the regional network and national non-network fields.

General retail advertising experienced an increase of 50.3% as compared with the corresponding six months of the preceding year. Department store volume rose 41.7%. Automobile dealer advertising and that of clothing stores and similar shops and housefurnishing retailers showed the most important increases.

Broadcast Advertising Volume

Broadcast advertising volume over various portions of the medium during the first half of the current year is found in Table I.

TABLE I

TOTAL BROADCAST ADERTISING
(First Half)

Class of business	*Gross Time Sales* 1934	1935
National networks	$21,998,866	$26,120,410
Regional networks	317,251	465,899
National non-network	7,610,864	8,591,053
Local	8,294,499	9,898,610
Total	$38,221,480	$45,075,972

The greatest relative gain experienced by any portion of the medium, as compared with the corresponding period of 1934, occurred in the regional network field where volume rose 47.0%. National network advertising increased 18.2%, national non-network business 13.2% and local broadcast advertising 19.3%.

Comparison with Other Media

Radio broadcast advertising showed the greatest improvement in volume of any major medium during the period under consideration. As contrasted to a gain of 17.9% on the part of radio, national magazine advertising increased 10.7%, national farm paper volume 3.5% and newspaper advertising 5.0%.

Details regarding major media are found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA
(First Half)

Advertising Medium	*Gross Time and Space Sales* 1934	1935
Radio broadcasting	$38,221,480	$45,075,972
National magazines	61,409,805	67,954,820
National farm papers	2,870,927	2,973,225
Newspapers[1]	242,535,000	254,551,000
Total	$345,037,212	$370,555,017

[1] Estimated.

Non-network Advertising

Non-network advertising, national and local combined, increased 16.1% as against the same period of 1934. Non-network volume placed over stations of more than 1,000 watts in power rose 18.9%. Volume over stations of between 250 and 1,000 watts increased 12.6% and that of 100 watt stations experienced a gain of 17.7%. Non-network volume by various power groups is shown in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION
(First Half)

Power of Station	*Gross Time Sales* 1934	1935
Over 1,000 watts	$7,404,648	$8,808,965
250-1,000 watts	6,426,929	7,234,055
100 watts	2,073,786	2,446,653
Total	$15,905,363	$18,489,673

Viewed from the geographical angle, non-network advertising in the South Atlantic-South Central area showed the greatest gains. Non-network volume in this region experienced a gain of 32.1% over the corresponding period of 1934. Advertising in the North Central states rose 15.1% and 8.6% in the Pacific and Mountain area. Non-network business declined 6.8% in the New England-Middle Atlantic area, probably due in part to increased network volume.

Non-network advertising by geographical districts is found in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
(First Half)

Geographical District	*Gross Time Sales* 1934	1935
New England-Middle Atlantic Area	$5,250,501	$4,887,087
South Atlantic-South Central Area	2,195,123	2,900,708
North Central Area	6,051,911	6,975,707
Pacific and Mountain Area	2,407,828	3,726,171
Total	$15,905,363	$18,489,673

Advertising by Types of Rendition

The growing use of live talent programs, produced in station studios, by national advertisers has been the principal development of interest in the national non-network field. Volume of this type of advertising has increased 26.7% as compared with the first half of last year. Transcription volume, on the other hand, has fallen off by 2.4%. Recorded programs, using regular phonograph records, increased 42.5% but constitute an unimportant portion of national business. Announcement volume increased 17.6%.

In the local field, transcription volume rose 15.2%, live talent business 18.4% and announcements 25.2%. Record volume dropped 30.0%.

The result of these trends has been to materially change the relative importance of various forms of rendition in the national field. Transcription volume has declined from 40.0% of total national business to 34.6% while live talent business has increased from 39.7% to 44.7%. The structure of local advertising rendition has remained comparatively static.

Details regarding broadcast advertising by types of rendition are found in Tables V and VI.

TABLE V

NON-NETWORK BROADCASTING BY TYPE OF RENDITION

(First Half)

	Gross Time Sales					
	National Non-network		*Local*		*Total*	
Type of Rendition	*1934*	*1935*	*1934*	*1935*	*1934*	*1935*
Electrical transcriptions	$3,044,571	$2,971,754	$723,548	$833,984	$3,768,119	$3,805,738
Live talent programs	3,029,315	3,830,994	4,210,888	4,986,251	7,240,203	8,817,245
Records	39,512	56,924	221,955	378,217	261,467	435,151
Announcements	1,497,466	1,731,381	3,138,108	3,700,158	4,635,574	5,431,539
Total	$7,610,864	$8,591,053	$8,294,499	$9,898,610	$15,905,363	$18,489,673

TABLE VI

RELATIVE PROPORTION OF VARIOUS TYPES OF RENDITION USED IN NON-NETWORK BROADCAST ADVERTISING

(First Half)

	Percentage represented by rendition type			
	National Non-network		*Local*	
Type of Rendition	*1934*	*1935*	*1934*	*1935*
Electrical transcriptions	40.0%	34.6%	8.7%	8.5%
Live talent programs	39.7%	44.7%	50.7%	50.4%
Records	.5%	.7%	2.7%	3.8%
Announcements	19.8%	20.0%	37.9%	37.3%
Total	100.0%	100.0%	100.0%	100.0%

Broadcast Advertising Sponsorship

Principal developments in this regard during the first half of the current year have been an increase in all forms of automotive advertising; a rise in national network, regional network and local clothing advertising; an increase in all forms of house-furnishing volume and in national and regional network and national non-network soap and kitchen supply advertising; a most marked increase in national non-network and regional network tobacco advertising, and some gains in national and regional network confectionery advertising.

Volume of advertising placed by various types of sponsors is found in Table VII.

TABLE VII

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(First Half)

	1935 Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$28,840	$268,555	$297,395
1–2. Automobiles and accessories:					
(1) Automobiles	$1,667,287	$6,490	697,043	496,951	2,867,771
(2) Accessories, gas and oils	1,983,275	61,565	659,203	498,408	3,202,260
3. Clothing and apparel	268,758	25,051	163,600	1,301,051	1,758,460
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	3,546,961	33,401	1,936,110	588,589	6,105,061
(5) Toilet goods	5,359,048	20,450	480,631	135,140	5,995,269
6–8. Food products:					
(6) Foodstuffs	5,406,082	121,546	1,597,768	1,229,151	8,354,547
(7) Beverages	1,535,216	9,924	281,482	497,737	2,324,359
(8) Confections	842,117	6,640	294,778	77,522	1,221,057
9–10. Household goods:					
(9) Household equipment and furnishings	391,658	44,456	391,401	1,082,764	1,910,279
(10) Soap and kitchen supplies	1,583,371	16,883	449,636	44,078	2,093,968
11. Insurance and financial	229,992	1,338	109,584	343,917	684,831
12. Radios	540,163	—	11,675	71,883	623,721
13. Retail establishments	—	—	49,615	857,917	907,532
14. Tobacco products	1,867,050	61,213	232,795	40,926	2,201,984
15. Miscellaneous	899,432	56,943	1,207,072	2,364,031	4,527,478
Total	$26,120,410	$465,899	$8,591,053	$9,898,610	$45,075,972

A detailed analysis of the trends in the various field of sponsorship is as follows:

1a. *Amusements.* National network volume experienced a gain of 45.0% as compared to the first six months of 1934 while local advertising declined 3.0%. Gains and losses offset each with total volume remaining comparatively unchanged.

1. *Automotive.* National network volume increased 26.0% during the period under consideration. Regional network advertising rose 22.6%, national non-network business 32.5% and local broadcast advertising 42.3%.

2. *Gasoline and accessories.* National network volume increased 2.5% as compared with the same period of last year. Regional network advertising declined 50.0%. National non-network business rose 11.2% while local volume increased but 1.4%.

3. *Clothing.* Marked gains occurred in this field. National network advertising increased 57.6%, regional network volume in-

creased nearly five times the amount during the first half of last year, national non-network volume rose 18.6% and local advertising 56.2%.

4. *Drugs and pharmaceuticals.* National network volume gained 11.0% as compared with the first half of last year. Regional network advertising increased 13.3%, national non-network business 13.6% and local advertising 16.1%.

5. *Toilet goods.* National network business rose 10.0% during the period as compared with the corresponding months of 1934. Regional network advertising increased from $450 to $20,450. National non-network business dropped off by 3.6% and local advertising decreased 23.0%.

6. *Foodstuffs.* National network volume alone gained, rising 22.4%. National non-network advertising fell off by 2.0%, local broadcast advertising by 9.0% and regional network business by 50.0%.

7. *Beverages.* Local advertising was the only field to show increases, rising 10.0%. National network volume declined 20.0%, regional network business 74.5% and national non-network business 2.8%.

8. *Confectionery.* Marked gains occurred in practically all fields. National network business increased 40.6%, regional network advertising rose nearly four-fold, national non-network advertising increased 13.0% and local broadcast advertising more than tripled.

9. *Household equipment.* Important increases also occurred in all fields in this instance. National network advertising increased 24.6%, regional advertising rose nearly six-fold, national non-network volume gained 36.2% and local advertising 55.3%.

10. *Soaps and kitchen supplies.* This field also showed important gains as compared with the corresponding six months of 1934. National network advertising rose 47.0%. Regional volume, of which there was none last year for the period, developed to $16,883. National non-network volume increased by more than 100%. Local advertising, a minor factor in this field, declined 24.8%.

11. *Insurance and financial.* Regional network advertising increased five-fold. National non-network volume rose 14.6% and local advertising 30.0%. National network advertising declined 40.7%.

12. *Radio.* National network volume more than doubled, while local advertising increased 58.7%. National non-network advertising declined 32.3%.

13. *Department and general stores.* National non-network advertising, principally mail order department stores with branches in various cities, increased 72.0%. Local department and general store advertising rose 40.1%.

14. *Tobacco products.* National network advertising increased 10.8%. Regional network volume developed from nothing to $61,223, and national non-network advertising from $25,549 to $232,795. Local advertising more than doubled.

15. *Miscellaneous.* National network volume increased 17.0%, regional network advertising 37.0%, national non-network business 22.7% and local broadcast advertising 12.3%.

Retail Broadcast Advertising

General retail advertising increased 50.3% as compared to the preceding period. Gains were recorded in all fields except food. Increases were as follows: automotive, 60.0%; gasoline and accessory retailers, 41.0%; clothing and apparel shops, 71.2%; drugstores, 38.8%; beauty parlors, 116.0%; restaurants, 2.5%; household equipment retailers, 46.2%; furniture stores, 73.6%; hardware stores, 110.7%; radio retailers, 30.0%; department stores, 41.7%; tobacco shops, 37.0%, and miscellaneous, 61.3%. Grocery stores declined 17.8% and confectionery shops, 15.3%. Retail broadcast advertising volume is found in Table VIII.

TABLE VIII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

(First Half)

	Gross Time Sales	
Type of Sponsoring Business	*1934*	*1935*
Automobiles and accessories:		
Automobile agencies and used car dealers	$326,207	$521,280
Gasoline stations, garages, etc.	227,216	385,430
Clothing and apparel shops	794,753	1,324,932
Drugs and toilet goods:		
Drug stores	85,127	118,408
Beauty parlors	27,972	60,413
Food products:		
Grocery stores, meat markets, etc.	340,155	278,620
Restaurants and eating places	117,705	120,995
Beverage retailers	5,043	23,299
Confectionery stores	13,413	11,315
Household goods:		
Household equipment dealers	240,428	351,169
Furniture stores	294,143	514,569
Hardware stores	64,842	136,908
Radio retailers	56,472	73,636
Department and general stores	641,296	907,532
Tobacco shops	4,769	6,632
Miscellaneous	309,114	499,195
Total	$3,545,565	$5,334,333

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★
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DUFFY COPYRIGHT BILL

If you have not already done so, wire or phone your Congressman at once and explain your interests in the bill S. 3047; the importance of having it reported out at once by the Patents Committee and brought to a vote. The American Hotels Association, the Motion Picture Theatre Owners of America, and the NAB are continuing their joint support of the bill as it passed the Senate and will resist any effort to restore, by amendment, the minimum damage provision.

The members of the Committee on Patents are as follows:

William I. Sirovich, of New York; Fritz G. Lanham, of Texas; Braswell Deen, of Georgia; Thomas O'Malley, of Wisconsin; Robert L. Ramsey, of West Virginia; Matthew A. Dunn, of Pennsylvania; J. Leroy Adair, of Illinois; James P. Richards, of South Carolina; Charles J. Colden, of California; John D. Dingell, of Michigan; Charles Kramer, of California; Randolph Perkins, of New Jersey; Clarence J. McLeod, of Michigan; Fred A. Hartley, Jr., of New Jersey; Robert F. Rich, of Pennsylvania; and Gerald J. Boileau, of Wisconsin.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2300. William Littman and Max Littman, New York City, co-partners trading as **Imperial Laboratories,** and engaged in the manufacture of permanent wave appliances and products.

William Littman is directed to cease using as part of his trade name the word "Laboratories" unless and until he actually maintains a place where scientific investigations are conducted.

Littman is also ordered to stop representing that his products are made or compounded in a laboratory when this is not true, and from alleging that permanent wave hair lotion which he sells and distributes has been perfected by leading chemists or that it will wave hair without altering the texture.

Littman is prohibited from asserting that the felt used in the sachets which he sells and distributes is treated so that it will absorb the lotion evenly, when this is not true.

The Commission ordered that the complaint in this matter be dismissed as to Max Littman.

No. 2357. Renesol Corporation, New York City, and Charles Goldblatt and Maurice Goldberg. Unfair representations through **newspaper, magazine and radio advertising** by the respondents is prohibited.

The respondents are ordered to cease representing Renesol or any product of substantially the same composition as a cure for epilepsy or as a remedy by which permanent relief from epilepsy or epileptic fits can be effected. They are directed to stop representing Renesol as other than an agent for the treatment of epilepsy, the effectiveness of which depends on continued or permanent use.

Renesol is said to contain phenobarbital plus bicarbonate of soda and may be used to relieve the discomforts due to epilepsy, according to the findings.

Complaints

Unfair competition of various sorts is alleged by the Federal Trade Commission in complaints issued against the following companies. These concerns will be given opportunity to appear before the Commission to show cause why cease and desist orders should not be issued against them.

No. 2504. United States Electric Manufacturing Company, New York City, manufacturer of flashlight and dry cell batteries under the trade name **"Usalite Lok-Top."**

The respondent is alleged to have represented that those products had a "special patented Lok-Top," when in fact the company had no United States or other patent on its flashlights, or on the method of construction.

The complaint charges that the respondent's representations placed in the hands of dealers the means by which they might commit a fraud on the purchasing public. Hearing, Friday, September 6.

No. 2505. Abraham Platell, trading as Platell Shoe Company, 158 Duane Street, New York City.

Platell is alleged to have stamped and labeled shoes sold by him with the phrase, "Dr. Florence Scientific Arch Support," when in fact these shoes were not made in accordance with the design of or under supervision of a doctor, and did not contain special scientific or orthopedic features which were the result of medical advice or services.

Subsequent to October, 1933, Platell is said to have changed the labeling on his shoes by substituting an "i" for an "r" in the abbreviation "Dr.," thus making the designation read "Di. Florence Shoes."

Use of the abbreviation "Dr." or the imitation thereof printed as "Di." have had the capacity to unfairly divert trade from or otherwise injure competitors, according to the complaint. Platell's footwear was not designed for the purpose of correcting or alleviating any particular kind of foot trouble, except to the extent that the arch in the shoe was purported to correct or support defective arches, it was alleged.

No. 2506. Barager-Webster Co., Eau Clair, Wis. This company is said to have sold to wholesale and retail dealers certain packages or assortments of candy so packed and assembled as to involve the use of a lottery scheme when sold and distributed to consumers. The complaint charges that these practices have a capacity to unfairly divert trade from the respondent's competitors.

No. 2508. Calafo Company, Los Angeles, Calif., dealer in medicines for treatment of asthma and hay fever. The company is said to have advertised that by use of its product asthma and hay fever will disappear "like magic." The complaint points out that this is not true and that the respondent's representations tend to deceive the buying public. Hearing, September 13.

Stipulations

Unfair competition of various kinds will be discontinued by the following companies in pursuance of stipulations entered into between these concerns and the Federal Trade Commission:

Nos. 0881 and 0882. Frank R. Jelleff, Washington, D. C., and **Pharma Craft Corporation, Louisville, Ky.** The respondents each have agreed to discontinue unfair advertising practices in the sale of facial and antiseptic cream.

Jelleff agrees to cease asserting that the facial cream **"Delv"** is the result of years spent in searching for an ingredient to duplicate the natural oils of the skin and that the unhealthy functioning of an oily skin will be corrected through daily use of **"Delv."**

Representation that the Pharma company's "Fresh" antiseptic cream "will relieve your trouble," that it either dries into the skin or vanishes into the skin immediately, or that it relieves foot irritations, unless this allegation is limited to irritation caused by excessive perspiration attended by abrasions or infections of the skin, will be discontinued.

Nos. 0883 and 0884. Tablet Sixty-Six Company, Los Angeles, Calif., and R. Robert Reveno, Philadelphia, operating as R. Robert Reveno & Co. Both firms deal in treatments for rheumatic afflictions.

Tablet Sixty-Six Co. agrees to cease representing inferentially or by direct statement that its treatment, designated **"Tablet 66,"** is a competent treatment or an effective remedy for either muscular rheumatism, inflammatory rheumatism, muscular rheumatic conditions or "incurable" rheumatic conditions, or that medical authorities have so recognized its ingredients.

The Commission, following an investigation, had reason to believe that many of the company's advertising representations were incorrect, exaggerated and misleading.

Reveno agrees to stop representing that his **"Aralgia Capsules"** are a competent treatment or an effective remedy for rheumatic pains, neuritis, gout, lumbago or neuralgia, and that he has "perfected" a rheumatic remedy.

No. 0885. Breckenridge Manufacturing Co., of Detroit, Mich., engaged in selling a device for gas stoves called **"Scientific Gas Saver,"** has entered into a stipulation with the Federal Trade Commission to stop unfair advertising practices.

The respondent company agrees to cease advertising that by the use of its appliance, cooking gas bills may be cut 59 per cent or 25 per cent or any other percentage not established by scientifically conducted tests. The company will also stop representing that gas bills may be cut from $10.32 to $4.62, or by any other amount not actually demonstrated under accurate test conditions.

Other representations to be discontinued are to the effect that the article is a "scientific" gas saver or in fact a gas "saver" at all, until competent scientific proof thereof can be furnished, and that it either burns more air or less gas than other contrivances, or that it burns any air whatsoever.

No. 0886. Kent Laboratories, New York City. The respondent agrees to cease asserting that its "Broncotone" is a competent treatment or effective remedy for asthma, whooping cough, lung or bronchial disturbances, bronchitis, catarrh, sore throat and colds, and that its "Gastritone" is a competent treatment or effective remedy for constipation, acids and other stomach ailments, unless the allegation is limited to such disorders as a laxative or a mild sedative would relieve.

No. 0887. Century Laboratory, Inc., Chicago. Advertising a treatment for foot troubles called "Perfect-Feet Foot Bath Powder," the Century Laboratory, Inc., agrees to stop making allegations that use of this preparation at least once a week will keep a person's feet in normal condition regardless of circumstances, and that the article is a new, scientifically compounded formula, or that it will correct practically every known kind of foot trouble.

No. 1424. Hugo Gernsback, of 101 Hudson Street, New York City, doing business as Radio Trading Co., has entered into a stipulation with the Federal Trade Commission to discontinue use of the words "All-Wave" in the sale of radio sets which are not capable of reception over the entire meter range covering all broadcast and commercial transmissions.

Gernsback also agrees to cease representing in substance and effect that by the use of his radio receiving sets owners thereof can have world-wide continuous reception of short-wave transmission, with loud speaker volume, as dependably and as easily tuned in or "logged" as with long-wave or broadcast transmissions.

The stipulation points out that in the present state of the art the reception of foreign short-wave bands is difficult and uncertain and that these conditions are known to experts but not generally to the purchasing public. Gernsback agrees to stop presenting the advantages of his products in such a way as to conceal their difficulties and deficiencies.

He also agrees to stop using the phrase "Manufactured by Radio Trading Company, New York," when in fact he is not a manufacturer but purchases the products he sells from the manufacturers thereof.

No. 1425. Triangle Underwear Company, New York City. The respondent company agrees to cease branding or labeling its products as "Pure Silk" or as "100% Pure Silk."

The stipulation provides that if the products are weighted to an amount exceeding 15 per cent in black goods or 10 per cent in other than black goods, the word "Silk," if used, shall be accompanied by the word "weighted" printed in equally conspicuous type so as to indicate clearly that the garments are weighted with mineral salts or other weighting substance.

This company's articles were said by the stipulation to have contained a substantial quantity of mineral salts or substance other than silk and were what is known as weighted silk.

No. 1426. W. G. Earnhardt, of Chicago, an individual trading as Earnhardt Laboratories, has entered into a stipulation with the Federal Trade Commission to cease misleading representations in the sale of a facial cream product called **"Earnhardt's Turtle Oil Cream."** Earnhardt agrees to stop using the words "Turtle Oil" alone or in connection with other words to designate his product so as to imply that the article is a cream, the oil content of which is composed of turtle oil.

Provision is made that when the oil content is substantial and does contain turtle oil in substantial amounts, the words "turtle oil," if used to describe the turtle oil content, shall be properly qualified.

Earnhardt also agrees to cease using the word "Laboratories" as part of his trade name or otherwise when he does not operate a laboratory.

No. 1428. Beaulieu Vineyard, Rutherford, Napa Valley, Calif. The respondent has agreed to discontinue the unfair appropriation of the good will of a foreign trade name in the sale of a domestic product.

The stipulation provides that Beaulieu Vineyard discontinue selling certain of its wines under the trade name "Chateau Yquem," as Chateau d'Yquem is the name of an estate belonging to the Marquis de Lur-Saluces, of the Province of Bordeaux, France. According to the stipulation, there is produced on this estate a sweet wine which is sold under the brand name "Chateau d'Yquem" and which has acquired a valuable good will because of its excellence.

No. 1431. Leiba Sharn, also known as Leo Sharon, trading as Leotone Radio Company, New York City. Advertising implying that radio receiving sets can procure world-wide reception will be discontinued by the respondent.

According to the stipulation, Sharn sold "Leotone Short-Wave Sets," advertising them as capable of regularly receiving programs from Italy, Spain, Germany and England, when in fact the meter limitation of the sets was not sufficient to cover all broadcasts.

No. 1432. W. N. Hull and A. B. Chapman, fruit growers, Key Largo, Fla. The respondents agree to stop using the name "Florida Key Lime Association" as a trade name alone or in connection with the phrase "Composed of 80 per cent of the Florida Key Lime Growers." The stipulation points out that no organization or association of that name composed of 80 per cent of the Florida Key lime growers is in existence.

No. 1433. American Products and its subsidiary, the Zanol Products Company, both of Cincinnati, dealers in food products, toiletries and household cleansers, have entered into a stipulation with the Federal Trade Commission to stop making misleading representations of their business.

These companies agree to cease asserting that they pay their agents up to $52.50 a week or any other sum, and to stop overestimating and exaggerating the probable profits of the business. They will also cease alleging that they furnish a Ford Sedan free and that they do a five-million-dollar-a-year business, when such is not the fact.

Closing of Case

No. 2331. The Federal Trade Commission has closed its case against Sinclair G. Stanley, doing business under the name of Z. G. Herbs Co., Chicago. The complaint charged false and misleading representations in the sale of his product, **Z. G. Herbs Tea No. 17.** Closing of the case was ordered because the respondent entered into a stipulation with the Commission to cease and desist from the practices alleged in the complaint.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

The Laclede Gas Light Co., St. Louis, Mo. (2-1565, Form A-2)
Agawam Racing & Breeders Asso., Inc., Agawam, Mass. (2-1566, Form A-1)
G. E. Employees Securities Corp., Jersey City, N. J. (2-1567, Form A-2)
Public Service Company of New Hampshire, Manchester, N. H. (2-1568, Form A-2)
Savannah Electric & Power Company, Savannah, Ga. (2-1569, Form A-2)

American Fidelity Corp., Ltd., San Diego, Calif. (2-1573, Form G-1)

Morgan Industries, Inc., Philadelphia, Pa. (2-1574, Form A-1)

Oil Ridge Oil & Refining Co., Wilmington, Del. (2-1575, Form A-1)

Summit Gold Mining Corp., Vancouver, B. C. (2-1576, Form A-1)

Underwriters Group, Inc., New York City. (2-1577, Form C-1)

RECOMMENDS AGAINST NEW NEBRASKA STATIONS

The Omaha Broadcasting Company filed a petition with the Federal Communications Commission asking for a construction permit to erect a new station at Omaha, Nebr., to use 1500 kilocycles, 100 watts power, and unlimited time.

R. H. Hyde(e), in Report No. I-87, recommends that the application be denied. The Examiner found that the proposed service would not be essentially different from that of existing stations and he did not find that granting the application would serve any public interest.

Application was also filed with the Commission by William A. Schall, also for the erection of a station at Omaha to use the same frequency, power and time asked for by the Omaha Broadcasting Company.

R. H. Hyde(e), in Report No. I-86, recommended that this application also be denied for much the same reasons as set forth in the previous decision.

DENIAL OF WNBF APPLICATION RECOMMENDED

The Howitt-Wood Radio Company, Inc., Binghamton, N. Y., applied to the Federal Communications Commission asking that it grant a special experimental authorization to operate Station WNBF, Binghamton, to use 1240 kilocycles, 500 watts night and 1,000 watts LS, with unlimited time. The station now operates on a frequency of 1500 kilocycles, 100 watts, and unlimited time.

John P. Bramhall(e) recommended in Report No. I-88 that the application be denied. The Examiner found that no need for additional daytime service in that area was shown; also that the granting of the application would increase the facilities of an already overquota state. It would also cause interference, and would not serve any public interest.

VENTURA APPLICATION DISMISSAL RECOMMENDED

The Hauser Radio Company, Ventura, Calif., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Ventura, to use 1310 kilocycles, 100 watts power, and unlimited time on the air.

P. W. Seward(e), in Report No. I-89, has recommended that the application be dismissed with prejudice. Counsel for the applicant appeared at the hearing recommending that a motion to dismiss the application be granted.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, August 19, 1935

NEW—Big Springs Broadcasting Co., Big Springs, Tex.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—The North Texas Broadcasting Co., Paris, Tex.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Reporter Broadcasting Co., Inc., Abilene, Tex.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—William O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—Homer York, Lufkin, Tex.—C. P., **1350 kc.,** 250 watts, specified hours, 2 to 10 p. m.

NEW—Lee Medley and T. C. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—A. L. Chilton, Kilgore, Tex.—C. P., **990 kc.,** 500 watts, daytime.

NEW—Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—C. P., **1570 kc.,** 1 KW, unlimited time.

NEW—Vernon Taylor Anderson, Mgr., ABC Broadcasting Co., Big Springs, Tex.—C. P., **1500 kc.,** 100 watts, daytime.

KWEA—International Broadcasting Corp., Shreveport, La.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

NEW—Oil Capital Broadcasting Assn., Kilgore, Tex.—C. P., **1210 kc.,** 100 watts, unlimited time (facilities KWEA).

NEW—Plainview Broadcasting Co., Plainview, Tex.—C. P., **1500 kc.,** 100 watts, daytime.

KFRO—Voice of Longview, Longview, Tex.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time (facilities KWEA).

APPLICATIONS GRANTED

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted C. P. to make changes in equipment.

KELD—T. H. Barton, El Dorado, Ark.—Granted modification of C. P. to make changes in equipment.

KDON (formerly KFUH)—Richard Field Lewis, Del Monte, Calif.—Granted modification of C. P. to move transmitter from Del Monte to Monterey, a distance of two miles, and make changes in equipment.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted modification of C. P. to make changes in equipment.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special authority to operate with 500 watts night, 500 watts day, for period September 1, 1935, to March 1, 1936, or until pending application now in hearing docket is granted.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate on **710 kc.,** 250 watts, unlimited time, for the period beginning August 1, 1935, to February 1, 1936. Also granted license covering C. P. authorizing installation of new equipment; **650 kc.,** 250 watts, limited time.

WCAL—St. Olaf College, Northfield, Minn.—Granted modification of license to make changes in specified hours on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays from 9:43-10:16 a. m. to 9:45-10:16 a. m.

KHSL—Wm. Schield, Sydney R. Lewis and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted consent to voluntary assignment of license of Station KHSL to the Golden Empire Broadcasting Co.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of C. P. approving transmitter site at ½ mile north of State Trunk Highway No. 7 on west side of State Trunk Highway No. 20; also make changes in antenna.

WBZA—Westinghouse Electric and Manufacturing Co., Springfield, Mass.—Granted license to cover C. P. authorizing changes in equipment; **990 kc.,** 1 KW, unlimited (when synchronized with WBZ).

WELL—Enquirer-News Co., Battle Creek, Mich.—Granted license to cover C. P. authorizing local move of station, installing new equipment, and increasing power to 100 watts; **1420 kc.,** unlimited time.

KVOL—Geo. H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, d/b as Evangeline Broadcasting Co., Lafayette, La.—Granted license to cover C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time.

KFNF—Henry Field Company, Shenandoah, Iowa.—Granted consent to assignment of license to KFNF, Inc. Also granted renewal of license for the regular period; **890 kc.,** 500 watts night, 1 KW day, S-WILL and KUSD.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile (Boston).—Granted C. P. to make changes in equipment and increase power from 2 watts to 100 watts.

NEW—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as The Capitol City Broadcasting Co., Portable-Mobile (Lansing, Mich.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 15 watts.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Granted C. P., frequencies **31600, 35600, 38600, 41000, 86000-400000 kc.,** 100 watts.

W6XAS—Julius Brunton & Sons Co., Portable-Mobile (San Francisco).—Granted modification of license to include frequencies **31600, 35600, 41000 kc.,** and delete **40600 kc.** Also granted renewal of license as modified for the next license period.

W8XAO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental license for period of 90 days from August 21, 1935.

NEW—General Electric Co., Portable-Mobile (Schenectady, N. Y.). —Granted C. P. for new broadcast pickup station in temporary service, frequencies **1606, 2020, 2102** and **2760 kc.,** 50 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFDM, Beaumont, Tex.; KFDY, Brookings, S. Dak.; KFEL, Denver; KFKA, Greeley, Colo.; KFPY, Spokane, Wash.; KFSD, San Diego, Calif.; KGFX, Pierre, S. Dak.; KHQ, Spokane; KLX, Oakland, Calif.; KLZ, Denver; KOAC, Corvallis, Ore.; KPOF, near Denver, Colo.; KSD, St. Louis, Mo.; KTAR, Phoenix, Ariz.; KTSA, San Antonio; KVI, Tacoma, Wash.; KWTO, Springfield, Mo.; WCHS, Charleston, W. Va.; WDAF, Kansas City, Mo.; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WEEI, Boston, Mass.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WGST, Atlanta, Ga.; WHJB, Greensburg, Pa.; WILL, Urbana Ill.; WKY, Oklahoma City, Okla.; WNAX and auxiliary, Yankton, S. Dak.; WOW, Omaha, Nebr.; WPRO, Providence, R. I.; WQAM, Miami, Fla.; WTAG and auxiliary, Worcester, Mass.; WTAR and auxiliary, Norfolk, Va.; WWJ, Detroit, Mich.; and WWNC, Asheville, N. C.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-66: Palestine Broadcasting Assn., John C. Welch, Wm. M. Keller, Bonner Frezzell, Palestine, Tex.—Granted C. P. for new broadcast station to operate on **1420 kc.,** 100 watts, daytime, sustaining Examiner R. L. Walker. Order effective August 20, 1935.

NEW—Ex. Rep. No. 1-68: George B. Bairey, Valley City, N. Dak. —Granted C. P. for new broadcast station to operate on **1500 kc.,** 100 watts, unlimited time, sustaining Examiner Melvin Dalberg. Order effective August 27, 1935.

WJW—Ex. Rep. No. 1-69: WJW, Inc., Akron, Ohio.—Granted C. P. to install new equipment and increase daytime power from 100 to 250 watts; **1210 kc.,** 100 watts, unlimited time, sustaining Examiner Geo. H. Hill. Order effective August 27, 1935.

WBBC—Edw. T. Graham, Canton, Ohio.—Granted C. P. to install new equipment and increase daytime power from 100 to 250 watts; **1200 kc.,** 100 watts night, specified hours; also granted modification of license to change hours of operation from specified to unlimited time, sustaining Examiner Hill. Order effective August 27, 1935.

SET FOR HEARING

NEW—Philip J. Wiseman, Lewiston, Maine.—Application for C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time. Site to be determined.

NEW—Herbert Lee Blye, Lima, Ohio.—Application for C. P. for new station to operate on **1210 kc.,** 100 watts, daytime, site to be determined.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Application for C. P. to make changes in equipment, increase day power from 2½ to 5 KW.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Application for C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time.

NEW—Chanute Broadcasting Co., Chanute, Kans.—Application for new station to operate on **1500 kc.,** 100 watts, daytime.

NEW—Harold F. Foraker and Ray D. Luzadder, d/b as The Wichita Broadcasting Co., Wichita, Kans.—Application for C. P. for new station to operate on **1500 kc.,** 100 watts, unlimited time.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Application for C. P. to install new equipment, increase day power from 250 watts to 1 KW.

NEW—Review Publishing Co. (Pearl B. Robinson, sole owner), Moscow, Idaho.—Application for C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time.

NEW—Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—C. P. amended to read: **1350 kc.,** 250 watts daytime; also applicant's name amended to read: Robert E. Cole, d/b as Washington Broadcasting Co. Transmitter site to be determined subject to Commission's approval.

NEW—Roberts MacNab Hotel Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr., Jamestown, N. Dak.—C. P. amended so as to read: **1310 kc.,** 100 watts, unlimited. Site to be determined subject to Commission's approval.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—C. P. amended so as to read: Change frequency from **1500 kc.** to **1310 kc.;** 100 watts, unlimited time.

NEW—Clark Standiford, Vissalia, Calif.—C. P. amended so as to read: Night power, 100 watts; change hours of operation from daytime only to unlimited. Transmitter site and type of antenna to be determined with Commission's approval.

NEW—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Application for C. P. for new station to operate on **1200 kc.,** 100 watts, unlimited time, site to be determined.

ORAL ARGUMENTS GRANTED

Oral argument was granted to be heard November 21, 1935, before the Broadcast Division, in re Examiner's Report No. 1-64, involving Station KGKB, Tyler, Tex., and the Dallas Broadcasting Co., Dallas, Tex., and the Paris Broadcasting Co., Paris, Tex. Also in the case of Brownsville Broadcasting Co., Brownsville, Tex., and Denton Broadcasting Co., Denton, Tex., in re Examiner's Report No. 1-72.

Oral argument was also granted in the case of Station KFBI, Farmers' & Bankers Life Ins. Co., Abilene, Kans., which was heard by Commissioner Brown, to be held December 4, 1935.

MISCELLANEOUS

NEW—Central Texas Broadcasting Co., Inc., Fort Worth, Tex.—C. P., **1210 kc.,** 100 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Denied petition requesting Commission to reconsider and grant application for increased power without hearing.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Denied petition asking Commission to reconsider action in designating application for hearing and grant same without hearing. Application is for a new station to operate on **1200 kc.,** 100 watts.

WMBG—Havens & Martin, Richmond, Va.—Granted petition to take part in hearing of application of WPHR for removal to Richmond. Denied right to intervene in application for transfer of control of Station WPHR to John Stewart Bryan, Tennant Bryan, and Douglas S. Freeman.

Duluth Broadcasting Co., Duluth, Minn.—Granted request for continuation of hearing scheduled for September 10, 1935, of application for new station to operate on **1200 kc.,** 100 watts, unlimited time.

WATR—The WATR Co., Inc., Waterbury, Conn.—Reaffirmed grant of April 16, 1935, changing hours of operation from daytime to limited, local sunset at San Antonio, Tex. Action taken after protestants, American Republican, Inc., and The Hartford Times, Inc., withdrew protests.

APPLICATIONS RECEIVED

First Zone

NEW—Alfred C. Matthews, Cape May, N. J.—Construction per-
1420 mit for a new station to be operated on **1420 kc.,** 100 watts power, specified hours, 9 to 11 a. m., 6 to 12 p. m. daily. Amended: Equipment changes; give transmitter site as Sunset Blvd., Cape May, N. J., and change specified hours to 9 to 12 a. m., 3 to 6 p. m., 9 to 12 p. m. daily.

General Electric Co., Portable-Mobile.—Construction permit for general experimental station for **31100, 34600, 37600, 40600 kc.,** 2 watts.

General Electric Co., Portable-Mobile.—Construction permit for general experimental station for **31100, 34600, 37600, 40600 kc.,** 2 watts.

Standard Cahill Co., Inc., Portable-Mobile, New York.—Construction permit for general experimental station for **31100, 34600, 37600, 40600 kc.,** 5 watts.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Modification of license to increase power from 5 to 10 KW for experimental relay station.

Second Zone

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of
780 license to increase power from 500 watts, 1 KW day, to 1 KW day and night.

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Construction
890 permit to erect a new broadcast station to be operated on **890 kc.,** 1 KW, unlimited time. Amended: Equipment.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—License
920 for auxiliary transmitter to operate on **920 kc.,** 250 watts power. Same transmitter formerly licensed as auxiliary which expired 1-7-35.

NEW—Geo. E. Carter, Homer G. Wolfe, Clari I. Knight, Partners,
1370 d/b as Carter & Wolfe, Mansfield, Ohio.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 50 watts, 100 watts day, unlimited time.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modifica-
1410 tion of license to change hours of operation from shares with WRBX to unlimited. Facilities of WRBX. Agreement submitted.

Third Zone

NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit to
1200 erect a new broadcast station to be operated on **610 kc.,** 250 watts, 500 watts day, unlimited time. Amended to change frequency from **610 kc.** to **1200 kc.,** power from 250 watts, 500 watts day, to 100 watts day and night.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—
1210 License to cover construction permit (B3-P-68) as modified to erect a new broadcast station on **1210 kc.,** 100 watts power, daytime.

WDAE—Tampa Times Co., Tampa, Fla.—Extension of special
1220 authorization to operate with power of 2½ KW daytime, with equipment changes, for period from 10-1-35 to 4-1-36.

NEW—Navarro Broadcasting Assn., J. C. West, President, Corsi-
1310 cana, Tex.—Construction permit to erect a new broadcast station to be operated on **1310 kc.,** 50 watts, daytime.

WCOA—Pensacola Broadcasting Company, Pensacola, Fla.—Au-
1340 thority to transfer control of corporation from Pensacola Broadcasting Co., John C. Pace, Burgess Pace, Beecher Hayford, sole stockholders, to The News-Journal Co., a corporation; 200 shares of common non-par value stock.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—
1420 Modification of construction permit (B3-P-308) to make equipment changes. Amended re equipment and approval of transmitter site at 1.1 miles from center of city on old Carlsbad Highway, Pecos, Tex.

WDSU—WDSU, Inc., Portable-Mobile.—Construction permit for broadcast pickup station for **1646, 2090, 2190, 2830 kc.,** 3 watts.

Fourth Zone

WMT—Waterloo Broadcasting Company, Cedar Rapids, Iowa.—
600 Voluntary assignment of license from Waterloo Broadcasting Co. to Iowa Broadcasting Co.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Authority to con-
930 sent to transfer of control of corporation of KGBZ Broadcasting Co. from George R. Miller and Gertrude B. Miller to Nebraska Broadcasting Co., 643 shares.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Voluntary assign-
930 ment of license from KGBZ Broadcasting Co. to Nebraska Broadcasting Co.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction
970 permit to install an emergency auxiliary transmitter, 1½ KW power, in main transmitter building, located in York Township, near Bowners Grove, Ill. (Transmitter formerly licensed as main transmitter at Northeast Tower, Navy Pier, Chicago, Ill.)

WDGY—Dr. George W. Young, Minneapolis, Minn.—License to
1180 cover construction permit (B4-P-188) to increase day power from 2½ KW to 5 KW, make equipment changes. (To be considered under Rule 6-g.) Superseding application submitted no changes.

KFKU—The University of Kansas, Lawrence, Kans.—Modification
1220 of license to increase day power from 1 to 5 KW; request permission to use transmitter recently installed by WREN.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Voluntary
1320 assignment of license from Cedar Rapids Broadcast Co. to Iowa Broadcasting Company.

WISC—Milwaukee Broadcasting Company, Wilwaukee, Wis.—Modification of construction permit (B4-P-330) for approval of transmitter site at Milwaukee, Wis., and studio site at 710 North, Plankinton, Milwaukee, Wis., and extend commencement date 10 days after grant and completion date 90 days thereafter.

Fifth Zone

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Modification
760 of license to change frequency from **920 kc.** to **760 kc.;** facilities of KXA.

NEW—W. H. Kindig, Hollywood, Calif.—Construction permit for
1160 new broadcast station to be operated on **1160 kc.,** 5 KW, unlimited. Amended: Transmitter site to be determined.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to
1310 erect a new station to be operated on **1310 kc.,** 100 watts, daytime (request of applicant).

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—
1320 Modification of construction permit (B5-P-303) to make equipment changes. Amended to change transmitter site from Kalakaua Ave. and Seaside, Honolulu, T. H., to Fronting on Kapiolani Blvd, Honolulu, T. H., and studio from Dillingham Bldg., Honolulu, T. H., to Fronting on Kapiolani Blvd., Honolulu, T. H., and extend commencement date 60 days after grant and completion date 90 days thereafter.

NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect
1500 a new station to be operated on **1500 kc.,** 100 watts, unlimited. (No reply to our letters.)

W6XHF—KTAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for general experimental station for **40600, 37600, 34600, 31100 kc.,** 10 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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DUFFY COPYRIGHT BILL

The Duffy Copyright Bill, S. 3047, is still pending before the Committee on Patents in the House of Representatives, to which it was referred after approval by the Senate. The chairman of the Committee has not called a meeting of the Committee members since the receipt of the bill.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2258. American Shell Products Co., Muscatine, Iowa. The respondent is directed to refrain from the use of the word "oyster" on bags or containers in which it sells crushed shell or otherwise to represent, describe or designate crushed shell unless and until such crushed shell is composed entirely of the crushed shell of the oyster or unless and until, where such crushed shell is composed partly of oyster shell, the word oyster is accompanied by a word or words, in equally conspicuous form and color, aptly and truthfully describing the other material or materials of which such product is composed.

No. 2365. Armstrong Rubber Co., Inc., West Haven, Conn. The respondent is directed to stop representing in advertisements of automobile tires and tubes that the prices at which it sells its products to consumers are manufacturer's wholesale prices, or that it sells to the consumer under a plan of distribution by means of which all middlemen's costs, profits or other charges are eliminated, unless these representations are true in fact. The respondent is also ordered to stop representing in advertisements or assisting in the circulation of advertisements which have a tendency to indicate that the tires it sells contain more plies of fabric in their composition than is the fact.

No. 2382. Birmingham Automotive Jobbers Association, Birmingham, Ala. The respondent is required to desist from carrying out the terms of an agreement to fix and maintain uniform prices to be exacted by them from purchasers of automobile parts and accessories, and to refrain from certain other practices.

No. 2403. Wyoming Valley Jobbers Association, Inc., Wilkes-Barre, Pa. The respondent is directed to desist from certain practices tending to promote a monopoly and conspiracy in restraint of trade, to fix uniform prices, and other practices held by the Commission to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

No. 2433. Jones Brothers Publishing Co. of Cincinnati, Ohio. The respondent company is directed to desist from the sale of a set of history books by direct or indirect representation that the books are new and up-to-date and that the company is staging a special introductory offer limited as to time. The respondent is also ordered to cease asserting that a subscriber or prospective purchaser is to receive absolutely free an unbound set of the books and that the only cost is the payment of a purported wholesale contract price for the binding.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2509. Dr. Arthur A. Rock, Milwaukee, Wis., tr/as Dr. Rock and Dr. A. A. Rock. The respondent is charged with misrepresentations in the sale of a treatment for goitre. Hearing Friday, September 13.

No. 2510. Pioneer Maple Products Co., St. Paul, Minn. The complaint charges the company, in newspaper and radio advertising, with using such terms as "tangy maple syrup," etc., in advertising its product, implying that said product is pure maple syrup when, in fact, it consists of approximately seventy per cent cane syrup. Hearing September 13.

No. 2511. World Library Guild, Inc., 1440 Broadway, New York City. The complaint charges that an encyclopedia sold by the Guild is not free and is not given away to customers who subscribe to the extension service, but that the price charged actually includes the regular price of the books and any additional service furnished. It is also alleged that the respondent does not publish the encyclopedia which it sells, that said encyclopedia is not new or up-to-date and that the respondent company does not maintain a research department for the service of its customers. Hearing September 20.

No. 2512. National Silver Co., 61-65 West 23d Street, New York City. The complaint charges misuse of the trade term "sectional overlay" in the selling of silverware. Hearing September 20.

No. 2513. Harry Neivert, tr/as Pigro Chamois Co., Gloversville, N. Y. The complaint alleges the respondent manufactures leather products represented to be chamois skins, when in fact they are not chamois skins. Hearing September 20.

No. 2514. Johnson Manufacturing Co., and John C. Johnson, Birmingham, Ala. The complaint alleges that pamphlets distributed by the respondent falsely represent that aluminum in cooking utensils is poisonous and that the pamphlets in question contain false statements purported to have been made by doctors in support of that contention. The complaint further charges that the respondent company falsely maintains as part of its corporate name the "manufacturing" when in fact it does not maintain a factory and does not manufacture the goods that respondents offer for sale. Hearing September 20.

No. 2515. B. H. Krueger, Inc., and Lightfoot Schultz Co., of New York and Hoboken. The complaint states that the Krueger Corporation is engaged in the business of manufacturing, compounding, selling, and distributing toiletries and cosmetics, while the Schultz company manufactures and sells toilet soaps. It is set out in the complaint that both of these corporations deliver part of their products to Worthal, Ltd., by which company they are distributed under the trade name of "Drury Lane English Lavender," and so marked as to indicate that Worthal, Ltd., maintains places of business in London, Montreal, and New York. The complaint says, in fact, the Worthal, Ltd., is not a limited corporation, is not an English company, and has no branch or office in London or Montreal. Hearing September 20.

No. 2516. Carey Salt Co., Hutchinson, Kansas. The respondent is charged with advertising its products as "smoke salt" and particularly adaptable for the curing of meat, when in fact it has not been and is not smoked salt or "smoke salt" as understood by the consuming public. Hearing September 20.

No. 2517. General Implement Company of America, Inc., and its subsidiary, the General Implement Manufacturing Co., Inc., Cleveland, Ohio. These respondents are alleged, among other things, to have represented themselves in advertisements, catalogues, pamphlets, price lists and other literature, as the manufacturers of a complete line of farm implements and tools under the trade name "Soil Fitter," when in fact they were not manufacturers of any complete line of farm implements and tools. Hearing September 20.

No. 2518. Crescent Shoe Co., Inc., 133 Duane St., New York City. The complaint alleges that the company, in the course of its wholesale business, stamps its shoes as "Dr. Copland's Arch-of-Air," and in other ways represents or implies that they are made in accordance with the design of or under the supervision of a doctor, when in fact they are not so made and do not contain special scientific or orthopedic features. Hearing September 20.

No. 2519. Miles L. Finch, tr/as Associate British Manufacturers, 200 Fifth Avenue, New York City. The complaint sets out that, in the course of respondent's business, he advertises and labels tweed which he sells as "Imported British Wool Harris Tweed Type" with the words "Imported" and "Harris Tweed" in capital letters and the word "Type" in small letters. In this and in other ways, the complaint charges, the respondent attempts to deceive the purchasing public into believing that his product is a genuine Harris Tweed imported from Scotland, when such is not the fact. Hearing September 20.

No. 2521. I. Teich and A. Makower, tr/as Tee and Emm Knitting Mills, New York City. The respondents are charged with advertising and in other ways representing that they are knitters and manufacturers, tending to deceive purchasers into believing that they save middlemen's profits by purchasing from the respondents, when in fact the said respondents do not own, operate or control any mill or plant in which the products they sell are manufactured. Hearing September 20.

Stipulations

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 1434. Walter H. Candler, Chicago, tr/as The Candler System Co. Candler will cease using in advertisements any false, misleading, disparaging or derogatory representations concerning a competitor, and will stop using the assertion that he has trained more than 45,000 telegraph and radio operators.

No. 1435. A. Vallina and Gerardo Vallina, Tampa, Fla., tr/as A. Vallina & Son, and Tampa-Havana, Inc. Co. Respondents agree to cease advertising cigars by means of the words "Havana," "Habana," "Vuelta Abajo" or "Cuba" when the products so designated are not made from tobacco grown on the island of Cuba or in the Vuelta Abajo district thereof.

No. 1436. J. P. Levy and A. L. Bauman, New York City, tr/as Levy and Bauman. Respondents agree to cease representing on labels or tags furnished to manufacturers that their interlinings are made of lambs' wool, when this is not true.

No. 1438. Louis Herman, New York City, tr/as Louis Herman & Co. Respondent agrees to cease branding or labeling products as "Pure Silk" or "100% Pure Silk," when in fact the product so labeled contains a substantial quantity of mineral salts and the material is known as weighted silk.

No. 1437. Mineral Science Laboratories, Inc., Sioux City, Iowa. The respondent agrees to refrain from the use of the word "Laboratories" in connection with its name, and to stop representing in advertisements that its products are the "chief need" for treatment of various human ailments listed by it.

No. 1439. M. Wittens, Chicago, tr/as the Printwell Co. Respondent agrees to stop the use in his advertisements of the words "Process Engraved" or "Engraving," either alone or with other words to describe his printed products, thereby tending to deceive buyers into believing that the products are made from ink engraved plates, when this is not true.

No. 1440. General Foods Corporation, General Foods Sales Co., Inc., and Maxwell House Products Co., Inc., New York City. Respondents have agreed to stop advertising by radio broadcasts that loose or bag coffee loses 45 per cent of its flavor 9 days after the roasting, and that the loss in flavor of bean coffee is only slightly less rapid, so that the buying of unground coffee offers little if any advantage to the consumer as far as the flavor goes.

NAB PROTESTS ENACTMENT OF H. R. 8927 AND H. R. 9045

The following letter was sent to the Chairman of the Committee on Immigration and Naturalization, House of Representatives, protesting the enactment of H. R. 8927 and H. R. 9045. These bills, if enacted, would practically prohibit musical performances by alien artists and reduce the opportunities for the employment of American musicians. The text of the letter follows:

August 19, 1935.

Hon. Samuel Dickstein, Chairman,
Committee on Immigration and Naturalization,
House of Representatives,
Washington, D. C.

My dear Mr. Dickstein:

The National Association of Broadcasters protests the enactment of the following bills:

> H. R. 8927, A Bill, To protect the artistic and earning opportunities of American musicians, both vocal and instrumental, including orchestral conductors, in the United States of America; and
>
> H. R. 9045, A Bill, To protect the artistic and earning opportunities of American singers—operatic, concert, oratorio, and so forth—including orchestral conductors, in the United States of America.

These bills contain substantially the same provisions and therefore for the purpose of this communication will be treated as one. To summarize, these bills contain conditions that

> (a) An alien musician may not be imported into this country unless it is conclusively proved that there is not at that time within the United States an unemployed musician of that class and equal ability, and
>
> (b) It must be conclusively proved that the country of origin of such alien musician has made arrangement to engage an equal number of American musicians in employment of a similar nature.

A part of the first condition which must be observed is that of conclusively proving the "ability" of the foreign musician. This evidently has reference to musical ability, although it is not specifically so provided. "Ability" includes capacity, skill, power to perform, talent and proficiency, competency, aptitude, knowledge and artistic perception. It embraces both native and acquired capacity. How is it possible to meet this part of the condition? A well-known Polish conductor is engaged by an American musical organization. It is intended that he should conduct one performance of an *American manned* philharmonic orchestra in Boston. His appearance is desired not because he is a foreigner or the world's greatest conductor but because of his prominence in the musical world and because of his special appeal to the American musical public. Before he may enter this country these bills require that the American musical organization must conclusively prove the ability of the foreign conductor and then conclusively prove the ability of all American conductors not employed. Having done that, the musical organization must then conclusively compare the ability of the one against the ability of the other. What standard shall be employed to make this comparison? We submit that not even the roughest comparison of artistic ability of musicians of the same general class can be made. There simply is no yardstick by which one may prove musical ability beyond its meager fundamentals. The subject involves art, not mathematical science.

The second condition is equally restrictive. It requires conclusive proof of the actual employment of American artists in the homeland of the alien in order to offset the employment of the alien here. If Toscanini is engaged to conduct one Philharmonic performance in the United States then some American conductor must be employed to conduct one Philharmonic performance in Italy. This condition is obviously impossible of compliance except in unusual circumstances too rare to even require mention here, and will in effect banish from the American musical world every performance except that which is wholly American.

The enactment of either of these bills would not improve the employment condition of American musicians. The opportunity for greater employment here for American artists would not be added to by forbidding employment of foreign artists. To the contrary, some American instrumentalists contemplating labor with foreign impressarios here would discover that the engagement had necessarily been cancelled and nothing, American or foreign, added in its stead. It is a fallacious notion that for a planned performance by a given foreign artist there would be substituted a performance by an American artist. If, for example, Madam Flagstead is not permitted to exhibit her artistic talents in a concert scheduled here for a given time then no concert whatever will take place and American musicians will therefore lose rather than gain. In other words, it is our conviction that the enactment of either of these bills will defeat the purpose for which they are intended.

In the hope that it may be of some assistance to the members of your committee in their consideration of this proposed legislation, we offer the following data and observation on these bills as they relate to a specific concert organization whose purpose is to arrange engagements for outstanding concert artists and symphony orchestra conductors. In this capacity the organization selected for this example acts for 107 outstanding concert artists and 53 orchestra conductors. Of such 107 concert artists, 65 are American-born, 15 are naturalized American citizens, and 27 are aliens. These artists include, among others, the following:

American-born	*Naturalized*	*Alien*
Helen Jepson	Lucrezia Bori	Lotte Lehmann
Grace Moore	Elizabeth Rethberg	Lily Pons
Jeannette Vreeland	Edward Johnson	Grete Stueckgold
Rose Bampton	Harold Bauer	Karin Branzell
Paul Althouse	Ossip Gabrilowitsch	Beniamino Gigli
Richard Crooks	Margaret Matzenauer	Nino Martini
Charles Hackett	Ernest Hutcheson	Frederich Schorr
Frederick Jagel	Jascha Heifetz	Alexander Brailowsky
James Melton	Toscha Seidel	Vladimir Horowitz
Richard Bonelli	Georges Barrere	Jose Iturbi
Paul Robeson		Serge Prokofieff
Lawrence Tibbett		Nathan Milstein
Yehudi Menuhin		Gregor Piatigorsky

Of the 53 symphony conductors, eight are American-born, 16 are naturalized American citizens, and 29 are aliens. These include, among others, the following:

American-born	*Naturalized*	*Alien*
Walter Damrosch	Otto Klemperer	Sir Thomas Beecham
Henry Hadley	Fritz Reiner	Albert Coates
Werner Janssen	Ossip Gabrilowitsch	Vladimir Golschaann
	Georges Barrere	Jose Iturbi
	Leopold Stokowski	Erich Kleiber
	Arthur Bodanzky	Molinari
	Frederick Stock	Hoogstraten
		Wilhelm Furtwangler
		Pierre Monteux
		Serge Koussevitzky
		Arturo Toscanini

It will be noted that, as to the concert artists, the American-born and naturalized artists outnumber the alien artists by over three to one. Included among the alien artists, however, are persons of outstanding attainments who have contributed immeasurably to the artistic enjoyment and cultural advance of the American people. It is unthinkable that a law should be enacted which would exclude these artists from this country and deprive the American people of the cultural benefits derived from their performances.

On the other hand, it is clear that the large majority of American artists in this group is conclusive proof that foreign competition does not interfere with the securing of engagements in this country by American artists of ability. It is common knowledge that artists of the first rank, whether American or alien, have no difficulty in securing engagements and that there exists at the present time a pronounced shortage of artists of this type.

The deleterious effect of these bills would be even more pronounced in the case of conductors. In order to develop artists of this type it is necessary to have a large number of symphony orchestras which will serve as training schools for conductors. The scarcity of symphony orchestras in this country, as compared with Europe, is well known, with the result that the outstanding symphony conductors have been those who were born in Europe or had extensive European training.

Many of these conductors (as in the case also with concert artists) have come to this country and have established themselves so firmly that they have become naturalized American citizens.

We, therefore, oppose the enactment of either of these bills on the grounds:

1. The condition which requires conclusive proof of musical ability of both the alien and all American musicians of the same class is equivalent in practice to a positive inhibition against any musical performance in this country by an alien artist.
2. Such legislation will effectively reduce the opportunities for the employment of American musical talent.

Cordially yours,

NATIONAL ASSOCIATION OF BROADCASTERS,
S/James W. Baldwin, *Managing Director.*

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, August 26, 1935

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—D. B. Sutton, Miami, Fla.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—C. P., **1370 kc.,** 100 watts, unlimited time.

Thursday, August 29, 1935

WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license, **600 kc.,** 1 KW, unlimited time. Present assignment: **600 kc.,** 500 watts, 1 KW LS, unlimited time.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of license, **610 kc.,** 1 KW, unlimited time. Present assignment: **610 kc.,** 500 watts (SA for 1 KW daytime), unlimited time.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special experimental authority, **610 kc.,** 1 KW exp., unlimited time.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Modification of license, **600 kc.,** 1 KW, specified hours. Present assignment: **600 kc.,** 500 watts night, C. P. for 1 KW day; specified hours.

NEW—E. L. Clifford, Pottsville, Pa.—C. P., **580 kc.,** 250 watts, daytime.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of license, **560 kc.,** 1 KW, unlimited time. Present assignment: **560 kc.,** 500 watts (1 KW LS S. A.), unlimited time.

APPLICATIONS GRANTED

WNRI—S. George Webb, Newport, R. I.—Granted modification of C. P. to move transmitter and studio from near Middletown, R. I., to Newport, R. I.; make changes in equipment; extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Granted modification of C. P. approving transmitter site, 11 miles from center of city on old Carlsbad Highway, Pecos, Tex., and make changes in equipment.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted modification of C. P. to make changes in equipment.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted modification of C. P. extending completion date to 3-8-36.

WISC—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted modification of C. P. approving transmitter and studio sites at Milwaukee; extend commencement date to 10 days after grant and completion date to 90 days thereafter.

KFSO (formerly KTAB)—Associated Broadcasters, Inc., San Francisco, Calif.—Granted renewal of license for the regular period.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted renewal of license for the regular period.

KFVS—Oscar C. Hirsch, d/b as Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Reconsidered action in designating application for hearing, dismissed same from hearing docket, and granted renewal of license for regular period.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted 30-day special temporary authority to operate unlimited time pending receipt and action on application for full time.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted extension of special experimental authority to use 1 KW night and day for the next license period.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted extension of special experimental authority to use 1 KW with directional antenna night, and 5 KW day, for the next license period.

WJAR—The Outlet Company, Providence, R. I.—Granted extension of special experimental authority to use frequency **890 kc.** for the next license period.

WJIM—Harold F. Cross, M. B. Keeler, and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Granted renewal of license for the regular period; **1210 kc.,** 100 watts, with an additional 150 watts from local sunrise to local sunset only; unlimited.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted renewal of license, **620 kc.**, 250 watts, with an additional 250 watts from local sunrise to local sunset; unlimited time.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license, **920 kc.**, 250 watts, with an additional 250 watts from local sunrise to local sunset only. Shares with WPEN. Also granted renewal of license for auxiliary transmitter.

NEW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Granted C. P. (exp. gen. exp.) service, frequencies **31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above;** 50 watts.

W2XDV—Atlantic Broadcasting Corp., New York City.—Granted modification of license to change frequencies to **31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above;** 50 watts.

W6XAR—Julius Brunton & Sons Co., Portable-Mobile, San Francisco.—Granted modification of license for authority to use four frequencies assigned to general experimental broadcast pick-up stations—**31100, 34600, 37600** and **40600 kc.** Also granted renewal of license, as set out in modification, for the next license period.

SET FOR HEARING

NEW—Fred S. Rogers, Glens Falls, N. Y.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time; site to be determined.

NEW—The Attala Broadcasting Corp., Columbus, Miss.—Application for C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—Application for C. P. for new station, **1420 kc.**, 100 watts, daytime only.

NEW—W. L. Gleeson, Salinas, Calif.—Application for C. P. for new station, **1310 kc.**, 100 watts, unlimited time.

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah.—Application for C. P. for new station, **550 kc.**, 500 watts, unlimited time, site to be determined.

NEW—Wm. B. Smullin, Sacramento, Calif.—Application for C. P. for new station, **1310 kc.**, 100 watts night, 250 watts day, unlimited time, site to be determined.

NEW—American Broadcasting Co., Pittsburgh, Pa.—Application for C. P. for new station, **1420 kc.**, 100 watts, unlimited time.

NEW—Amended to read: The Voice of Labor Stations, Inc., Inglewood, Calif.—C. P., already in hearing docket, amended to read: **1210 kc.**, 100 watts, specified hours (daytime hours now used by KFXM and not used by KPPC). Site to be determined.

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for renewal of license set for hearing, and present license extended on a temporary basis pending outcome of hearing.

KFUO—Evangelical Lutheran Synod of Missouri, Etc., St. Louis, Mo.—Application for renewal of license set for hearing, and present license extended on a temporary basis pending outcome of hearing.

MISCELLANEOUS

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Denied authority to operate unlimited time pending action on application requesting authority on a permanent basis.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Denied request for 30-day extension of special temporary authority to operate at night with 500 KW employing conventional non-directional antenna system.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted request to reinstate application requesting special experimental authority to operate with 250 watts additional night power.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Denied petition asking Commission to reconsider and grant without hearing application for increase in daytime power from 1 to 5 KW.

NEW—George B. Storer, Detroit, Mich.—Granted continuance of hearing scheduled for September 11, 1935, on application for new station at Detroit, to operate on **680 kc.**, 1 KW, daytime.

J. W. Birdwell and S. R. Jennings, Johnson City, Tenn.—Granted 10 days additional time within which to file appearance and facts to be proved at hearing scheduled for October 9, 1935.

WBNX—Standard Cahill Co., Inc., New York City.—Denied petition asking Commission to reconsider action in designating application for hearing and "grant said application in part without hearing, so as to authorize the use of 500 watts day only, said application in so far as it requests 1 KW and a change in transmitter location to remain in hearing docket as now scheduled."

NEW—R. J. Nasser, Sacramento, Calif.—Denied petition requesting postponement of hearing of application for new station at Sacramento to operate on **850 kc.**, 250 watts, daytime. Hearing scheduled for October 8, 1935.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Denied petition requesting hearing on application to change frequency from **1500 kc.** to **1240 kc.**, and to increase power from 100 watts, unlimited time, to 250 watts, 1 KW LS, unlimited time, be continued pending action on application of WNBF, Binghamton, N. Y. Hearing scheduled for September 5, 1935.

The Broadcast Division granted oral argument on Examiner's Reports Nos. 1-76, involving applications of National Battery Broadcasting Co., Minneapolis; Dr. Geo. W. Young, Minneapolis; Radio Chapel of the Air, Minneapolis; and Edw. Hoffman, St. Paul; Rept. No. 1-77 involving applications of Glass & Kirkland, Eustis, Fla.; Lake Region Broadcasting Co., Lakeland, Fla.; Robert Louis Sanders, Palm Beach, Fla.; Hazlewood, Inc., West Palm Beach, Fla. Rept. No. 1-78, application of Head of the Lakes Broadcasting Co., Virginia, Minn.; and Rept. No. 1-79, WNEW, Newark, N. J., said argument to be heard November 27, 1935.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—A. L. Chilton, Kilgore, Tex.—C. P., **990 kc.**, 500 watts, daytime.

NEW—Educational Radio, Inc., Spartanburg, S. C.—C. P., **1420 kc.**, 100 watts, unlimited time.

WBCM—James E. Davidson, Bay City, Mich.—Modification of license, **1410 kc.**, 500 watts, 1 KW LS, unlimited time.

NEW—Paul Sullivan Andrews, Lewiston, Maine.—C. P., **560 kc.**, 250 watts, nighttime only.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Modification of license, **1500 kc.**, 100 watts, unlimited time.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Special experimental authority, **560 kc.**, 1 KW, unlimited time.

APPLICATIONS RECEIVED

First Zone

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-333) for changes in equipment, to move transmitter from Outlet Co. Bldg., 176 Weybosset St., Providence, R. I., to junction Newport and Ferris Avenues (Rumford), East Providence, R. I., to further request increase in power from 250 watts, 500 watts day, to 1 KW day and night; install directional antenna, extend commencement and completion dates to 30 days after grant and 180 days thereafter.
890

W2XE—Atlantic Broadcasting Corporation, Wayne, N. J.—Modification of license to add frequencies **17800** and **21520 kc.** Amended: Change frequency to **17760** and **21520 kc.**

WIEW—National Broadcasting Company, Inc., Portable-Mobile.—Construction permit for broadcast pickup station to replace transmitter, and increase power to 20 watts.

Second Zone

NEW—Earle W. Brown, Elyria, Ohio.—Construction permit for new station to be operated on **1500 kc.**, 100 watts, daytime.
1500

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Authority to transfer control of corporation from Wichita Falls Broadcasting Co., J. J. Perkins, L. H. Cullum, F. P. Timberlake, C. M. Snider, S. A Kahn, to Amon G. Carter, 350 shares of common stock.
570

KGKD—Wichita Falls Broadcasting Co., Fort Worth, Tex.—Construction permit to install new equipment; move transmitter from 9th and Indiana Avenues, Wichita Falls, Tex., to site to be determined, Fort Worth, Tex.; studio from Kemp Hotel, 8th and Scott Sts., Wichita Falls, Tex., to Worth Hotel, Fort Worth, Tex.
570

600 WREC—WREC, Inc., Memphis, Tenn.—Extension of special authorization to operate with power of 1 KW, 2½ KW day, for period from 9-1-35 to 3-1-36.

920 KPRC—Houston Printing Co., Houston, Tex.—Extension of special authorization to operate with power of 5 KW for period from 9-1-35 to 3-1-36.

990 NEW—A. L. Chilton, Dallas, Tex.—Construction permit for new station to be opertaed on **990 kc.,** 1 KW power, daytime operation.

1200 NEW—Whittle Furniture Co., Inc., Brunswick, Ga.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

1370 WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of license to change hours of operation from daytime to specified hours (day, 6 a. m. to 9 p. m., EST), using 100 watts power.

1420 NEW—W. A. Patterson, Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1420 kc.,** time to daytime only.

1420 NEW—Denton-Record Chronicle Company, Denton, Tex.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 100 watts, daytime. Amended: Antenna to be determined.

1500 NEW—C. W. Snider, Wichita Falls, Tex.—Construction permit for new station to be operated on **1500 kc.,** 100 watts, unlimited time.

Fourth Zone

600 WMT—Waterloo Broadcasting Company, Cedar Rapids, Iowa.—Extension of special authorization to operate with power of 1 KW, 2½ KW day, for period from 9-1-35 to 3-1-36.

770 KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, from 9-1-35 to 2-1-36.

890 WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change specified hours from: daily except Sundays, 11 a. m. to 4 p. m.; daily except Saturdays and Sundays, 4 p. m. to 5 p. m.; Sundays, 2 p. m. to 4 p. m. Also daily, 6 p. m. to local sunset (when sundown occurs after 6 p. m.). To specified hours except Sundays, 10 a. m. to 2 p. m.; Saturdays, 2 p. m. to 5 p. m. Amended: Except Sundays, 10 a. m. to 2 p. m.; Saturdays, 2 p. m. to 5 p. m. Except November and December, 2 to 4:30 p. m.; January, 2 to 4:45 p. m.

1250 WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna.

1370 NEW—Daily News Corp., St. Paul, Minn.—Construction permit for new station to be operated on **1370 kc.,** 100 watts, unlimited time.

Fifth Zone

610 KFRC—Don Lee Broadcasting System, San Francisco, Calif.—License to cover construction permit (3-P-B-3200) as modified for new equipment, increase in power from 1 KW to 1 KW, 5 KW day.

710 KMPL—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Special experimental authority to operate on **710 kc.,** 250 watts, 500 watts day, unlimited time. Amended: Request 500 watts day and night.

880 KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Construction permit to move transmitter from Gunter Hall, State Teachers College Campus, 1800 10th Ave., Greeley, Colo., to Rural U. S. Highway No. 85, Greeley, Colo.

1160 NEW—Eagle Rock Broadcasting Co., Eagle Rock, Calif.—Construction permit for a new broadcast station to be operated on **1160 kc.,** 250 watts, daytime. Amended: Change frequency from **1160 kc.** to **600 kc.**

1200 NEW—J. Laurance Martin, Tucumcari, N. Mex.—Construction permit for new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited.

1210 NEW—Royal Miller, Sacramento, Calif.—Construction permit for new broadcast station to be operated on **1210 kc.,** 100 watts, daytime.

1370 NEW—Golden Empire Broadcasting Co., Redding, Calif.—Construction permit for a new broadcasting station to be operated on **1370 kc.,** 100 watts, unlimited time. Amended to change frequency from **1370 kc.** to **1200 kc.**

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Coast Counties Gas & Electric Co., San Francisco, Calif. (2-1578, Form A-2)
Central Hudson Gas & Electric Corp., Poughkeepsie, N. Y. (2-1580, Form A-2)
Chain Store Investors Trust, Boston, Mass. (2-1581, Form A-1)
Greenwood Compress & Storage Co., Greenwood, Miss. (2-1582, Form A-2)
National Unit Corp., Boston, Mass. (2-1583, Form C-1)
Alabama Water Service Company, Birmingham, Ala. (2-1584, Form A-2)

KGW APPEAL WITHDRAWN

The United States Court of Appeals for the District of Columbia has dismissed the appeal of Station KGW, Portland, Ore., at the request of the station.

The station appealed against a decision of the Federal Communications Commission of February 26, granting KTAR, Phoenix, Ariz., a power increase of from 500 to 1,000 watts. KGW alleged that interference would be caused.

SUGGESTS UNLIMITED TIME FOR WNBX

Broadcasting Station WNBX, Springfield, Vt., applied to the Federal Communications Commission for unlimited time on the air. The station operates on a frequency of 1260 kilocycles, with 1,000 watts power and now operates daytime hours only.

Melvin H. Dalberg(e), in Report No. I-91, has recommended that the application be granted. The Examiner found that the granting of the application would expand the program service and "would result in a better grade of service within the station's present service area." He also found that the granting of the application would not cause any serious interference and that it would "cause a very slight deviation with respect to quota and would be in accordance with the public interest."

RECOMMENDS GRANTING WJTL APPLICATION

David Parmer applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Atlanta, Ga., to use the facilities of Station WJTL, Atlanta. Station WJTL asked for license renewal and also for leave to make voluntary assignment of its facilities.

John P. Bramhall(e), in Report No. I-90, recommended that the motion of David Parmer to withdraw his application be granted "with prejudice." He also recommended that the application of Station WJTL for license renewal be granted and that the application of the station to make voluntary assignment to the Atlanta Broadcasting Company be granted.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★ Vol. 3 - - No. 41
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NOTICE

The following item should have the immediate attention of station licensees and executives.

RADIO ADVERTISING AND THE FEDERAL TRADE COMMISSION

Much of the confusion and uncertainties attending the broadcast of commercial copy is seen eliminated in the latest developments at the Federal Trade Commission. Henceforth, the Federal Trade Commission will afford to members of the radio broadcasting industry the same notice, and opportunity to sign stipulations as heretofore has been extended to other forms of advertising media. Approval of this procedure, which was requested by the Managing Director, was given yesterday (27).

Details of the Trade Commission's procedure in handling matters arising out of their examination of advertising copy and the form of stipulation that will be offered broadcasters are set forth below in a letter addressed to the Chairman of the Federal Trade Commission.

The procedure therein outlined will be found reasonable. It is authorized by statute. It affords a judicial review of all controversies in the light of scientific opinion. It avoids any threat of boycott. It provides in clear and unambiguous language what should not be done.

The stipulation which will be offered to broadcasters is fair. In substance it is identical with the stipulation afforded publishers and agencies. It is a means by which members can insure observance of those standards contained in paragraphs four and seven of the NAB Code of Ethics. By signing such stipulation the broadcaster agrees that he has broadcast the copy in question; waives any right he might have to defend the copy against the Commission's action (opinion is divided on the question whether he actually has any such right); and that he will abide by any stipulation or cease and desist order entered against the advertiser. In short the broadcaster accepts notice, steps aside pending settlement between the advertiser and the Federal Trade Commission, and agrees to abide by whatever decision is made in the matter.

Each case will require a separate stipulation. In order that stations may be brought up to date stipulations will be sent to cover all cases now pending before the FTC for which the broadcaster has submitted copy. That is to say, for each piece of copy that has been submitted by a broadcaster, and which has reached the investigation stage, the broadcaster will receive a stipulation which he may sign and return to the FTC.

The inhibitions contained in stipulations and cease and desist orders entered against the advertiser will be carried in NAB REPORTS so that members may be currently informed in all cases of which they have had notice.

This procedure is the answer to the various suggestions made to the NAB and to the many inquiries received from members concerning what service the Association might render to members. Any opinion which the NAB might render in the case of any product would require the services of professionals equal in qualifications to those available to the FTC from the several departments of the government; and when rendered it would be extrajudicial and could not take precedence over a decision of the FTC which is the only agency of government authorized by

NOTES FOR THE SALES STAFF

Broadcast advertising has made the greatest gains of any medium since the depression, it is indicated in the July report of radio advertising volume appearing elsewhere in this bulletin. (See page 944.)

The current report makes available for radio as a whole, for the first time, information extending over a two-year period. This comparison for July shows radio far to have outstripped other media in recovery. This is all the more significant when one remembers that, except for a brief setback in 1932 and 1933, radio continued to grow rapidly throughout the depression.

Of particular interest will be the growth of regional network and national non-network advertising during the period. Station managers also will note with gratification that the decline in national non-network volume in July was considerably less than what seems to be the usual seasonal decrease.

The strength shown in local transcription business and the continued strong showing of studio programs in the national non-network field both present sales opportunities to the station sales department. The volume of broadcast advertising by national advertisers using station talent presentations in July of this year was 176.1% above that of the corresponding month of 1933.

Those interested in local business will be interested to note that radio advertising by department stores showed a gain of 27.6% over July of last year, while department store newspaper lineage increased by only .4%.

The automotive and housefurnishing fields have been joined in their recent rapid growth of volume by the food advertisers, while national non-network and regional network tobacco advertising continues its recent remarkable development. Since this latter seems concentrated at the moment, it would seem that additional stations can utilize this as a sales opportunity.

statute to investigate and regulate matters relating to fraudulent and misleading advertising.

Combined with the exercise of good judgment and a careful appraisal of the sensibilities of the audience this procedure, which has proved successful in the field of printed media, offers a means for making radio broadcasting the most reliable and most respected advertising medium in the United States.

The cooperation of each member is therefore urgently requested.

The full text of the Managing Director's letter in the matter follows:

August 23, 1935.

Honorable Ewin L. Davis
Chairman, Federal Trade Commission
Washington, D. C.

My dear Judge Davis:

This letter is addressed to you as a result of several discussions had with members of your staff concerning the procedure of the Federal Trade Commission in handling matters arising out of your examination of advertising copy.

As I understand it this procedure may be summarized as follows:

When a radio commercial continuity or a published advertisement has been examined by the preliminary reviewer and noted for further attention, it is referred for consideration from a legal point of view after which it is submitted to the Special Board of Investigation. If the Board decides there is prima facie evidence of false or misleading representations, a questionnaire, is sent to the advertiser.

Upon receipt of the information called for in the questionnaire together with samples of advertising copy and all follow-up literature, etc., the formula, for example, in cases of drugs and cosmetics is submitted to appropriate departments of the government for opinion. The Board then considers the matter in the light of scientific opinion.

If the statements contained in the advertising copy appear to be justified, the matter is reported to the Commission for filing without action.

If the statements contained in the advertising copy are not justified in the light of such scientific opinion the Board forwards to the advertiser a list of the statements in question and a copy of the scientific opinion relative thereto, and the advertiser is afforded the opportunity to produce all the evidence he can to support his claims.

When this has been done, either through correspondence or by personal conferences, the advertising copy is again reviewed in the light of new evidence, if any, and those statements which have not yet been justified in the opinion of the Board are thereupon reported to the Commission accompanied by all evidence in the case with the recommendation that an application for a complaint be docketed, but that before further action is taken the matter be referred back to the Board to negotiate a stipulation with the advertiser in settlement of the matter.

If the Commission concurs in the recommendation of the Board a stipulation is prepared reciting the objectionable statement and providing inhibitions wherein the advertiser agrees to cease and desist publishing such claims in the future.

If, however, the Commission is of the opinion that the statements contained in the advertising copy are justified, the case is reported for filing without action.

At the time the case is docketed as an application for complaint the advertising medium, *if a publisher*, is notified and extended an opportunity to sign and return a publisher's stipulation enclosed with the notice. In this stipulation, the publisher agrees to observe and abide by the terms of any stipulation signed by the advertiser in the case, or of any cease and desist order entered by the Commission against the advertiser in such case.

The effect of the publishers stipulation is not to stop the advertising forthwith, but to place the publisher on notice and get his agreement that he will abide by the outcome of the investigation.

When the terms of the advertisers' stipulation have been accepted by the Commission, copies of the same are available to the medium.

In the few cases where the advertiser and the Board cannot agree the matter is reported to the Commission with the advice that a stipulation could not be negotiated, whereupon, as a rule, a complaint is prepared and served by the Commission and the matter takes its usual course of litigation.

Where the stipulation as agreed upon is tendered and accepted by all parties, it is treated as a settlement and the Commission enters an order closing the proceedings.

Your procedure in this matter has been summarized for two reasons—

First, that our understanding of the matter may be verified, that we may be able to better inform our members on a subject that has caused very great confusion.

Secondly, if our understanding of the matter is correct, then in that event we request that the Federal Trade Commission afford to the members of the radio broadcasting industry the same notice, and opportunity to sign a publishers' stipulation, as is now afforded other advertising media. If approval is given this request we understand that the form of the stipulation that would be offered to the licensees of radio broadcasting stations will be subsantially as described in the form attached to and made a part of this letter and marked Exhibit "A."

The success with which the procedure above outlined has been met in the field of printed media is well known; and I am confident that our 393 members will contribute toward the same success in the field of radio advertising.

With expression of my high esteem, I am

Sincerely yours,

JAMES W. BALDWIN, Managing Director.

EXHIBIT "A"

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the matter of a certain
proposed complaint against } FILE NO.

Waiver and Stipulation.

The Federal Trade Commission, acting in the public interest, pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," ordered that an application for a complaint be docketed against

(hereinafter called the advertiser)

based upon charges of false and misleading advertising by radio broadcast in violation of Section 5 of said Act.

The Federal Trade Commission directed that any party participating in the broadcasting of said advertisement be afforded the opportunity of settling the matter by stipulation; and the undersigned, being the operator of Radio Station , over which on or about such advertisement was broadcast, hereby tenders to the Federal Trade Commission this waiver and stipulation as a means of closing the proceedings in so far as they may effect this broadcasting company (hereinafter referred to as the broadcaster).

The broadcaster disclaims any interest in the business of the advertiser, or the subject matter, or the continued broadcasting of said commercial continuity which the broadcaster desires to defend in the proceedings proposed against the advertiser; waives all right to be joined therein as a respondent; and to such end asserts and stipulates as follows, to wit:

(2) That the broadcaster accepted and broadcast the said continuity as stated;

(3) That the broadcaster is now and was operating said radio station at the time and over which such continuity was broadcast; and

(4) That the broadcaster hereby agrees to observe and abide by the terms and provisions of any cease and desist order based on the aforesaid charges which may hereafter be issued by the Federal Trade Commission; and also agrees to observe and abide by the terms and provisions of any stipulation or other agreement between the aforesaid advertiser and the Federal Trade Commission in this matter of which the broadcaster has notice.

This waiver and stipulation is tendered to the Federal Trade Commission for its consideration and approval, and upon its acceptance is to be entered of record, at which time it shall become binding upon the undersigned.

IN WITNESS WHEREOF, the broadcaster has duly signed and executed this waiver and stipulation this day of
, A. D., 193 .

....

Accepted and approved:
, 193 .

FEDERAL TRADE COMMISSION
Otis B. Johnson,
Secretary.

BROADCAST ADVERTISING DURING JULY

Highlights of the Month

Broadcast advertising during July totaled $5,848,004, a decline of 11.1% from the June level. This represented a normal seasonal decrease at this period of the year.

Marked gains were experienced as compared to corresponding months of preceding years. Advertising volume over stations and networks was 33.2% greater in July than during the same month of 1934, and 49.5% greater than that of the corresponding period of 1933.

Compared to radio broadcasting, July national magazine volume remained unchanged from 1934, and showed an increase of 32.0% over the corresponding month of 1933. Newspaper lineage showed an increase of 5.0% over July, 1934, and 10.2% over the same month of 1933.

National non-network advertising declined less than the usual seasonal amount during July, and showed a gain of 68.6% over the same month of last year. Regional network volume experienced a three-fold increase as compared to 1934.

In the non-network field, local station business experienced the greatest increase, rising 56.1% as compared to July, 1934, and more than doubling 1933 volume.

Electrical transcription business showed new strength in both the national and local fields, especially in the latter. The national use of live talent programs continued its growth, though at a slightly reduced rate.

National and local automotive advertising, national network accessory volume, food advertising of practically all types, national non-network and local beverage advertising, household equipment advertising, national non-network soap volume and national non-network and regional network tobacco advertising showed the greatest gains as compared with July of last year.

General retail advertising rose 35.0% as compared with the corresponding period of 1934, while department and general store advertising increased 27.6%. Principal gains occurred in the automotive and housefurnishing fields. Newspaper department store advertising was .4% ahead of last July, while general retail advertising in newspapers was 2.9% greater than during the same month of 1934.

Total Broadcast Advertising

Broadcast advertising over stations and networks is found in Table I.

TABLE I

TOTAL BROADCAST ADERTISING

	1935 Gross Time Sales		
Class of Business	*June*	*July*	*Cumulative Jan.-July*
National networks	$3,536,615	$3,175,042	$29,295,452
Regional networks	94,521	92,102	558,001
National non-network	1,400,910	1,297,065	9,888,118
Local	1,551,930	1,283,795	11,182,405
Total	$6,583,976	$5,848,004	$50,923,976

While total broadcast advertising volume declined 11.1% as compared with June, national network volume dropped 10.2%, national non-network advertising 7.4%, and local broadcast advertisig 10.8%. Regional network volume remained practically unchanged.

Comparison with Previous Years

National network advertising during July was 27.2% greater than during the same month of 1934, and 88.0% greater than during July 1933. Regional network advertising was triple the 1934 figure for July and more than five times the 1933 level.

National non-network advertising experienced a gain of 68.6% as compared to the same month of last year and an increase of 75.8% as against July 1933. Local broadcast advertising rose 18.8% as compared with the corresponding period of last year, but showed a decrease of 5.3% from the July 1933 level. The abnormal increase in local advertising during the summer of 1933, and a shift of some local business, principally the joint advertising of manufacturers and local dealers, to the national classification, constitute a partial explanation of the local situation.

Comparison with Other Media

Advertising volume for major media for July and the preceding month is presented in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*June*	*July*	*Cumulative Jan.-July*
Radio broadcasting	$6,583,976	$5,816,064	$50,923,976
National magazines[1]	11,368,313	8,086,053	76,040,873
National farm papers	475,889	340,300	3,313,525
Newspapers[2]	42,345,000	36,994,000	291,545,000
Total	$60,773,178	$51,236,417	$421,823,374

[1] National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

[2] Estimated.

National magazine advertising declined 28.1% from the June level, and remained comparatively the same in volume as during the corresponding month of last year. National magazine advertising was 32.0% greater than during July 1933.

Newspaper advertising was 5.0% greater than during the same month of 1934, and 10.2% above the July 1933 level. Newspaper lineage dropped 14.7% as compared to June.

National farm paper advertising decreased 40.0% as compared to June, and remained at approximately the July 1934 level. It was 44.0% greater than during the corresponding month of 1933.

Non-network Advertising

General non-network advertising decreased 12.6% during the month. Non-network volume during July was 13.2% greater than during the same month of the preceding year and 23.3% above the 1933 level.

Non-network advertising by size of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*June*	*July*	*Cumulative Jan.-July*
Over 1,000 watts	$1,388,800	$1,160,000	$9,968,965
250-1,000 watts	1,151,060	1,016,860	8,250,915
100 watts	412,980	404,000	2,850,653
Total	$2,952,840	$2,580,860	$21,070,533

Non-network advertising over stations of more than 1,000 watts in power decreased 16.3% as compared to June, that of stations of between 250-1,000 watts in power 7.8%, while local station volume remained comparatively unchanged.

Clear channel and high-powered regional station non-network volume showed an increase of 46.6% over last July, regional station advertising experienced a gain of 40.7% and local station business a rise of 56.1%. Clear channel non-network business was approximately at the 1933 level during July, regional volume 50.0% greater, and local volume more than double.

Non-network advertising by geographical districts is represented in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*June*	*July*	*Cumulative Jan.-July*
New England-Middle Atlantic Area	$784,407	$649,950	$5,537,037
South Atlantic-South Central Area	489,368	428,580	3,329,288
North Central Area	1,091,225	926,740	7,902,447
Pacific and Mountain Area	587,840	575,590	4,301,761
Total	$2,925,840	$2,580,860	$21,070,533

Declines of 15.5% and 12.2% were experienced in the Mid-West and South respectively during the month, while eastern and far-western volume decreased approximately 4.0% as compared to June. Non-network advertising in the New England-Middle Atlantic area was comparatively unchanged from the July 1934 level. Mid-western volume rose 36.3%, southern advertising doubled and gross time sales in the Pacific and Mountain districts rose 88.7%.

Non-network Advertising by Type of Rendition

National non-network and local broadcast advertising by type of rendition is shown in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*June*	*July*	*June*	*July*	*June*	*July*	*Jan.-July*
Electrical transcriptions	$528,420	$439,170	$153,740	$146,090	$682,160	$585,260	$4,390,998
Live talent programs	600,000	639,705	730,150	610,835	1,330,150	1,250,540	10,067,785
Records	12,990	4,325	60,460	51,355	73,450	55,680	490,831
Announcements	259,500	213,865	607,580	475,515	867,080	689,380	6,120,919
Total	$1,400,910	$1,297,065	$1,551,930	$1,283,795	$2,952,840	$2,580,860	$21,070,533

In the national field, transcription volume declined 18.8% as compared to June, while announcement volume dropped 17.5%. Live talent business increased 6.6%. Transcription volume was 87.6% ahead of July 1934 and approximately the same figure above the 1933 level. Live talent business was 60.5% above July 1934 and 176-1% higher than during the same month of 1933. Announcement business was 50.8% above 1934 and 22.0% below 1933.

In the local field, declines from June were as follows: transcription, 14.0%; live talent, 6.0%; records, 24.0%, and announcements, 20.4%. Local transcription business in July was 51.1% greater than during the same month of 1934 and 76.0% above 1933. Live talent business was 10.0% ahead of last year and 12.0% under 1933. Record programs was 87.6% above 1934, and 15.0% below 1933. Announcement volume was 20.3% greater than during the same month of last year and 4.0% below July 1933.

Broadcast Advertising Sponsorship

The following are the highlights with regard to broadcast advertising sponsorship during July. Automotive advertising of all types increased markedy. National network food advertising experienced an increase of 54.3% over the corresponding month of 1934, regional network volume doubled and national non-network advertising tripled. National non-network beverage advertising rose 72.0% and local volume increased 44.2%.

Housefurnishing advertising rose to a considerable degree. National network volume increased 250% over July 1934, local volume doubled and national non-network advertising increased by one-sixth.

National non-network soap and kitchen supply advertising rose 150%. The marked gains of recent months in tobacco advertising over regional networks and in the national non-network field continued.

General retail advertising rose 35.0% and department store advertising 27.6%.

Advertising volume by various sponsor groups is found in Table VI, while an analysis of these various groups is presented below.

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(July, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$7,635	$39,000	$46,635
1–2. Automobiles and accessories:					
(1) Automobiles	$131,675	$1,684	166,000	79,465	378,824
(2) Accessories, gas and oils	393,991	15,594	68,410	71,130	549,125
3. Clothing and apparel	15,336	4,536	31,280	140,330	191,482
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	350,586	5,025	148,450	47,560	551,621
(5) Toilet goods	768,974	—	35,290	19,445	823,709
6–8. Food products:					
(6) Foodstuffs	757,303	22,819	315,550	175,400	1,271,072
(7) Beverages	188,337	1,984	74,125	99,835	364,281
(8) Confections	30,586	250	28,335	4,985	64,156
9–10. Household goods:					
(9) Household equipment and furnishings	25,714	6,166	28,750	155,750	216,380
(10) Soap and kitchen supplies	180,131	5,253	161,080	3,725	350,189
11. Insurance and financial	29,612	464	18,640	42,520	91,236
12. Radios	61,906	—	1,205	13,535	76,646
13. Retail establishments	—	—	3,290	112,450	115,740
14. Tobacco products	187,566	23,160	43,940	5,335	260,001
15. Miscellaneous	53,325	5,167	165,085	273,330	496,907
Total	$3,175,042	$92,102	$1,297,065	$1,283,795	$5,848,004

1a. ***Amusements.*** Decline 25.5% as compared to June. Local volume mainly responsible. Decline 26.0% as compared to July, 1934.

1. ***Automotive.*** National networks 29.0% below June, local volume unchanged, and national non-network increased 15.3%. National networks 31.0% above July, 1934, local business 35.0% greater, and national non-network four times 1934 level. Material increase regional volume.

2. ***Gasoline and accessories.*** National network volume 12.4% above June level. Regional unchanged, national non-network 43.8% below, local 28.6% lower. National network business 41.8% above last July, regional volume up 11.3%. National non-network and local comparatively unchanged.

3. ***Clothing.*** National network business 16.0% below preceding month, regional networks 8.0%, and local 23.7%. National non-network unchanged. Compared to corresponding month of

previous year, national network 50.0% lower, regional network five times greater, national non-network 24.0% greater, and local up 14.7%.

4. ***Drugs and pharmaceuticals.*** National networks 12.5% below June, 1934. Regional networks up 4.0%, national non-network down 22.1%, and local down 43.3%. Compared to last July, national network up 26.1%, national non-network down 10.0%, and local down 25.0%.

5. ***Toilet goods.*** National network 8.7% below July, national non-network volume down 50.0%. Local business up 19.6%. National network business 24.2% above July of last year. National non-network volume up 37.1%, and local up 76.0%.

6. ***Foodstuffs.*** Regional network volume up 10.0% as against June, and national non-network up 8.0%. National network unchanged and local down 14.8%. Compared to corresponding month of previous year, national network up 54.3%, regional network almost double, and national non-network tripled. Local business down 2.8%.

7. ***Beverages.*** National network volume 5.5% under June level, regional down 15.0%, and local 4.0%. National non-network unchanged. National network business 36.3% under July, 1934, and regional down 61.5%. National non-network up 72.0% and local 44.2%.

8. ***Confectionery.*** National non-network down 21.0% and local 67.0%. National non-network up 22.0% contrary to seasonal trends. Regional volume up slightly. Compared to preceding July, national network up 42.8%, national non-network up fivefold, and local up three times last year's level.

9. ***Household equipment.*** National network volume down 30.0% from June, regional networks 21.9%, national non-network 46.6%, and local 14.4%. Compared to July of the previous year, national network up 250.0%, regional up materially, national non-network increased 16.7%, and local nearly doubled.

10. ***Soaps and kitchen supplies.*** National network volume down 12.7% and local down 40.0% as against preceding month. Regional volume up 30.0% and national non-network unchanged. National network volume 27.1% above last July, regional up materially, national non-network increased one and one-half times, and local down 66.0%.

11. ***Insurance and Financial.*** National network down 6.0%, local 18.0%, and regional unchanged. National non-network up materially from June. Compared to same month of 1934, national network down 20.0%, regional down 80.0%, national non-network nearly doubled, and local up 14.0%.

12. ***Radios.*** National network down 22.5% from June, national non-network down 50.0%, and local up 70.0%. National non-network 82.4% ahead of same period of last year, national non-network unchanged, and local up 70.0%.

13. ***Department and general stores.*** Volume 5.7% under June and 27.6% above corresponding month of 1934.

14. ***Tobacco products.*** National network 34.1% under June, regional 14.8%, national non-network 22.8%, and local unchanged. National network volume more than double July, 1934, level, regional increased from nothing to $23,160, and national non-network more than double. National non-network increased since July, 1933, from $517 to $43,940 during the current July.

15. ***Miscellaneous.*** National network down 36.1% and local 20.0%. National non-network unchanged and regional up 9.6%. National network up 8.0% as compared to same month of last year, regional up fourfold, national non-network nearly doubled, and local up 14.8%.

Business Conditions

July business showed some resistance to the usual seasonal decline, and some slight gains have occurred since then. The *New York Times* index was 86.2% of the 1923-1925 level for the week of August 10, as compared to 83.6% for the week of July 13. Car loadings were slightly ahead, while automobile production dropped off in preparation for new models. Steel production on August 17 was at approximately 50%, and was 25% above the July average. Electric power production also showed slight gains.

New passenger car sales in July were 20.0% above the corresponding month of last year. Rural retail sales were 28.5% greater in spite of the Department of Agriculture estimate that the June decline in cash farm income was larger than usual and that there had been less than the usual rise in July.

Grocery chain store sales in July were 4.0% above those of the corresponding period of the previous year, while variety store sales showed a gain of 3.0%.

Retail Broadcast Advertising

General retail broadcast advertising declined 18.8% as compared to June, but remained 35.0% above the July, 1934, level. Principal gains as compared with June were in the retail automotive field where advertising increased 17.0%, and furniture which rose 6.0%. Retail automotive, gasoline and accessory, household equipment and furniture advertising all were nearly double the July, 1934, figure, while clothing increased 16.0%.

Retail broadcast advertising during July is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

	1935 Gross Time Sales	
Type of Sponsoring Business	*June*	*July*
Automobiles and accessories:		
Automobile agencies and used car dealers	$78,250	$91,275
Gasoline stations, garages, etc.	66,720	48,570
Clothing and apparel shops	193,435	134,460
Drugs and toilet goods:		
Drug stores	14,000	10,910
Beauty parlors	10,025	8,240
Food products:		
Grocery stores, meat markets, etc.	42,325	29,410
Restaurants and eating places	26,940	22,428
Beverage retailers	2,500	2,550
Confectionery stores	220	2,300
Household goods:		
Household equipment dealers	69,390	54,700
Furniture stores	70,780	74,810
Hardware stores	23,465	15,235
Radio retailers	10,270	13,328
Department and general stores	122,855	115,740
Tobacco shops	325	290
Miscellaneous	77,350	69,170
Total	$808,850	$693,416

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given an opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2520. California Vineyards Co., Chicago. The respondent corporation, engaged in the sale and distribution of artificially carbonated fermented apple juice, is charged with using the word "champagne" in its advertising and in other representations so as to imply that the product is genuine champagne, when such is not the fact.

No. 2522. Gottlieb Brothers, New York City. The respondent corporation is engaged in the manufacture and sale of women's underwear, which the Commission's complaint charges it represents to be of pure silk, when in fact it contains other substances than silk varying from 11 to 52% of the total content.

No. 2523. Gillette Safety Razor Co. The Gillette Company is charged with employing illegal coercive methods to force jobbers, wholesalers and retailers to observe resale prices fixed by the respondent manufacturing company.

No. 2524. National Institute of Accountancy, Inc., Chicago. The complaint sets out that the respondent, in the sale of such correspondence courses through the medium of salesmen, distributes to prospective customers enrollment blanks, written contracts and advertising material containing numerous representations which, the complaint alleges, are false and misleading.

No. 2525. Davis Knitting Mills, Inc., trading under its own name and as **Yorke Knitting Mills, New York City.** The complaint sets out that the respondent corporation is engaged in the business of selling men's and boys' knitted outerwear. It is alleged that use by the respondent of the words "Knitting Mills" or the word "Mills" in corporate name and trade name, on letterheads, etc., tends to mislead purchasers into the belief that the company owns or operates a mill or factory wherein the products which it sells are made, and to believe that in purchasing such products customers are buying direct from a manufacturer and saving middlemen's profits.

No. 2526. Mid West Mills, Inc., Chicago. The complaint alleges that use of the word "Mills" in its trade name, on letterheads and in printed material implies that the respondent corporation manufactures the products which it sells, when in fact the respondent corporation does not manufacture any of the products it sells.

No. 2527. Old Trusty Dog Food Co., Needham Heights, Mass. The respondent company is engaged in the manufacture, sale and distribution of dog foods, including a brand designated as "Old Trusty Bovex" which brand is represented by advertisements in magazines, circulars and other means as containing "62½% government inspected beef and beef products," and has been "U. S. inspected and passed by Department of Agriculture." In truth and in fact, the complaint alleges, the brand of dog food in question is not made of government inspected beef or beef products, and actually contains considerably less than 62½% beef or beef products.

No. 2528. National Salesmen's Training Association, Chicago. The complaint sets out that the respondent is engaged in the sale, through salesmen and by advertising, of a correspondence course for traveling salesmen. The complaint alleges that the respondent makes numerous false or misleading representations.

Cases Closed

Royal Distillers Products, Ltd., New York City. The case was closed for the reason that the respondent corporation has been declared bankrupt, its physical assets sold, and it is no longer engaged in business.

Northeastern Maine Wholesale Confectioners' Association, Bangor, Maine. The case was closed for the reason that the respondent association has dissolved.

REPRESENTATIVE SCOTT INTRODUCES 3 BILLS AND RESOLUTION

Representative Byron N. Scott, of California, introduced during the last few days of the first session of the 74th Congress three bills and a resolution pertaining to the broadcasting industry. The full texts, together with comment of the author, are reprinted below from the *Congressional Record* of August 23:

"Mr. Scott. Mr. Speaker, I have today introduced three bills and a resolution upon which I should like to see some action in the second session of the Seventy-fourth Congress. These were introduced at this time so that the Members of the House could have an opportunity to look them over during the coming recess. Under permission granted to extend my remarks, I have included a copy of the bills and the resolution with a brief explanation of each.

"H. R. 9230

"A BILL

"to amend Section 315 of the Communications Act of 1934.

"Be it enacted, etc., That section 315 of the Communications Act of 1934 be and hereby is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 315. Each licensee of a radio broadcasting station shall be required to set aside regular and definite periods at desirable times of the day and evening for uncensored discussion of a nonprofit basis of public, social, political and economic problems, and for educational purposes. When any such licensee permits any speaker of any controversial social, political, or economic issue to use its facilities during any such period, it shall afford to at least one exponent or advocate of each opposing viewpoint equivalent facilities. The licensing authority shall without delay make rules and regulations to carry this provision into effect, and in proceeding hereunder it shall appoint, and, in its discretion, act upon the recommendations of an advisory committee consisting of disinterested, representative citizens: *Provided,* That the licensing authority, the advisory committee, and licensees shall have no power of censorship of any kind, nor shall any license be subject to liability, civil or criminal, in any State or Federal court for material so broadcast under the provisions of this section, nor shall any license be revoked or renewal be refused because of material so broadcast."

"Section 315 of the Communications Act of 1934 was taken over from the Radio Act of 1927. It provides that licensees shall afford equal treatment—that is, time, rates, and so forth—to legally qualified candidates for public office; that the Commission shall make rules and regulations to carry the provision into effect; that licensees shall have no power of censorship over materials so broadcast; and that no obligation is imposed on any licensee to allow the use of its station by any such candidate.

"Section 315 in its present form is unsatisfactory from the standpoint of the industry as well as the public.

"Neither the old Radio Commission nor the new Communications Commission has made rules or regulations to carry the provision into effect, though network companies and a number of station owners have promulgated and generally adhered to fixed policies and rules in this regard.

"Under section 315 the networks and certain stations have reaped a harvest from the major political parties in national elections and from leading factions in State and local contests. The provision has, of course, favored the party or person with the largest war chest to the prejudice of minority groups and individuals of small means.

"The provision is fundamentally unsound in assuming that the public desires only the uncensored discussions on social, economic, and political issues of legally qualified candidates for office. Campaign periods are relatively short; candidates are not always the leading or most capable advocates of the parties' or candidates' views; controversial discussion is not a seasonal product demanding attention only before elections; too frequently political campaigns are used to avoid or obscure rather than meet and illuminate issues.

"The censorship provision is of little value. Though it protects the candidate himself from censorship by networks and stations, and protects stations from actions for slander or libel when a candidate is on the air, it does not extend to speakers other than candidates and stations have been found guilty of defamation for the remarks of such other speakers.

"It is law at present that network and station owners, managers, program directors, and even announcers and technicians in charge of the electrical controls, must, at the peril of the station, determine at the moment of utterance whether a remark is actionable, a feat that no responsible judge or lawyer would presume to perform except in the plainest cases. This has led necessarily to direct and indirect censorship, to the vicious practice of requiring the submission of manuscripts for approval of networks and stations on an editorial basis.

"At certain times networks and stations are delighted to obtain political broadcasts. They fill time and supply revenue. But at other times and in certain communities, especially with the growth of volume of profitable advertising, this is not the case. Political broadcasts are refused. It is believed that all stations as an incident of the right to operate as public callings under Federal franchises should be required to devote certain periods to political broadcasts without profit or censorship.

THE PROPOSED AMENDMENT

"Under the proposed bill all stations would be required, subject to regulations to be made by the Commission on the advice of a disinterested advisory committee, to give over desirable periods on a regular basis and without revenue to unrestricted discussion of public issues; speakers on such issues would receive equal treatment; licensees would be relieved of all responsibility to the Commission and in the local courts for such broadcasts.

"This means that the American system of private ownership, control, profit, and responsibility would be continued, except that during periods reserved for public discussion there would be no revenue to the station and no responsibility by the station to the Commission or the public.

"It has been said that under the proposal the pressure for time would tend to squeeze out minority groups; that the agency charged with administration of the provision would exercise a form of censorship; that the proposal would lead to interminable arguments as to what are public, social, political, and economic problems, etc. All of these arguments and difficulties have been canvassed and considered, but no reasonable alternative has been suggested, and I am satisfied that, given a measure of intelligence and cooperation, the provision can be made to work to the satisfaction of the industry and the public. The lack of any satisfactory provision in the present act and of any constructive proposal for change have led year after year to greater and greater confusion and disillusionment as to the value and use of radio as a means of public discussion.

"H. R. 9231

"A BILL

"to add Section 315 (a) to the Communications Act of 1934.

"Be it enacted, etc., That the Communications Act of 1934 be and hereby is amended by adding thereto the following:

"Sec. 315 (a) Each licensee of a radio broadcasting station shall keep complete and accurate records open to reasonable public inspection:

"(1) Of all applications for time;

"(2) Of all rejected applications and the reasons for such rejections;

"(3) Of all additions and changes requested in arranged programs on public, social, political, and economic issues, and on educational subjects;

"(4) Of interference with and substitution of programs on public, social, political, and economic issues, and on educational subjects.

"The licensing authority shall make rules and regulations to effectuate this provision."

"The proposed addition to section 315 would require stations to keep complete and accurate records open to reasonable inspection of applications for time, rejected applications, and the reasons for such rejections, additions, and changes requested in programs on public issues and on educational subjects and interference with programs on public issues and on educational subjects.

"This proposal represents a further attempt to limit censorship by network companies and station owners. It will implement the proposed amendments of sections 315 and 326.

"H. R. 9229

"A BILL

"to amend Section 326 of the Communications Act of 1934.

"Be it enacted, etc., That section 326 of the Communications Act of 1934 be and hereby is amended by striking out the whole said section and by inserting in lieu thereof the following:

"Sec. 326. Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication. No action, civil or criminal, shall be commenced or prosecuted against any licensee in any court, Federal or State, because of anything said or done in the course of any broadcast on any public, social, political, or economic issue: *Provided,* That this provision shall not be understood or construed to exempt any licensee from liability for any defamatory, profane, indecent, or obscene language or action broadcast by any officer, employee, agent, or representative of such licensee."

"To implement the proposed revision of section 315 and to clarify the powers of the Communications Commission under the general standard of public interest, convenience, and necessity, I suggest the addition of a sentence to section 326 which will expressly protect station owners (licensees) against actions, civil or criminal, in the State and Federal courts for broadcasts on public questions.

"I do not recommend any change in the present language of section 326. I do recommend additional language which will free licensees from responsibility to the Commission or in the courts for broadcasts on public questions, except where licensees are responsible for defamatory or improper remarks.

"Under present conditions there is a very real danger that the licensee will be sued for a defamatory utterance that goes out from its transmitter. There is also a very real danger that the Communications Commission (like the old Radio Commission) will consider defamatory or improper utterances for which the licensee is not responsible in acting on applications for renewal of license and other privileges. Censorship has flourished under fear of these dangers, and in many, many cases the act of censorship has been performed by persons who have no qualification whatever to determine the very delicate question of what is and is not actionable or in bad taste.

"The suggested addition to section 326 will put an end to the danger of punitive action against the network and stations and will thus obviate the necessity for editorial treatment of public discussion. It will not, of course, free the speaker himself from responsibility in the courts and elsewhere for his remarks or his conduct on the air.

"H. RES. 370

"RESOLUTION

"Whereas the facilities available for radio broadcasting are severally limited; and

"Whereas such facilities should be so administered as to promote the maximum beneficial use thereof in the interest of the people of the United States; and

"Whereas the licensing authority established by the Congress has attempted to accommodate approximately six hundred radio broadcasting stations on the ninety frequencies or channels available for assignment in the United States; and

"Whereas the licensing authority has assigned most of the channels reserved by it for high power, full time, interference-free operations to stations owned and controlled by or affiliated with the National Broadcasting Company and the Columbia Broadcasting System; and

"Whereas the National Broadcasting Company and the Columbia Broadcasting System are engaged on a national scale in the business of supplying programs to and selling time to advertisers on broadcasting stations owned or controlled by or affiliated by contract with them and in this connection employ the facilities of a number of medium power, full time, regional stations as well as the high power, clear channel stations mentioned above; and

"Whereas the National Broadcasting Company and the Columbia Broadcasting System are private enterprises engaged in the pursuit of private gain, and in order profitably to supply high quality programs on a national network basis they have induced a large number of advertisers to sponsor programs to supply to and broadcast by their affiliated stations, in consequence of which the people of the United States receive through the medium of radio broadcasting a large amount of advertising matter; and

"Whereas the operations of the National Broadcasting Company and the Columbia Broadcasting System are so extensive that many listeners are able at night to receive the same program at the same time from two or more stations; and

"Whereas it has been the general policy and practice of the licensing authority to consolidate and strengthen the position and influence of said network companies; and

"Whereas a large number of stations are licensed to operate with lower power on relatively undesirable channels designated by the licensing authority as local channels and approximately three hundred stations are permitted to operate only until sunset, during the daytime or during specified hours; and

"Whereas in the case of stations not operated on a full time, interference-free basis the policies, assignments, and regulations of the licensing authority promote waste of broadcasting facilities, substantial and continuing losses to station owners as well as inferior and unsatisfactory program service; and

"Whereas it is claimed that the right of freedom of speech has been seriously curtailed by the licensing authority, the network companies, and individual station owners; and

"Whereas the soundness of the system under which the facilities of immediate mass communication have been turned over to private agencies without choice to them or to the public and without restrictions and supervision ordinarily imposed on public callings has been widely questioned and many proposals for changes in the system have been advanced; and

"Whereas piece-meal consideration and revision of the broadcasting system established in the United States would be wasteful, dilatory, and disappointing; and

"Whereas the nature of the subject is such as to require careful and comprehensive study by a disinterested, expert, non-partisan body responsible to the President of the United States: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established and created a commission of members to be known as the 'Broadcasting Research Commission,' hereinafter called the 'Commission,' to be appointed by the President of the United States. The chairman of the Commission shall be compensated at the rate of $15,000 per year, payable monthly, and shall devote the major part of his time to the business of the Commission.

"Sec. 2. The Commission is authorized and directed to make a careful and comprehensive investigation of radio broadcasting as conducted in the United States and abroad, to the end that the President may have a complete and authoritative body of information as the basis for reports and recommendations to the Congress with respect to legislation and administrative changes designed to promote the maximum beneficial use of the facilities available for radio broadcasting in the interest of the people of the United States.

"Without limiting the generality of the foregoing, the Commission is authorized and directed to study and report on the following matters:

"(a) All known instances of interference with and interruption and substitutions of programs involving public, social, political, or economic issues, and the reasons therefor;

"(b) The economic structure, operating expense, earnings, profits, and corporate affiliations of all broadcasting stations;

"(c) The expendiency of reducing the number of broadcasting stations;

"(d) The expediency of assigning to broadcasting stations frequencies below the present broadcast band;

"(e) The reasonableness of rates and fees charged by broadcasting stations and the feasibility of public relations thereof;

"(f) The scientific and economic status of television and facsimile transmission and the ownership and control of patents pertinent thereto; and

"(g) The feasibility of a Government-owned and/or controlled broadcast network.

"Sec. 3. The Commission shall submit its final report to the President of the United States within two years from the date of the adoption of this resolution. The report shall contain a complete and accurate statement of the findings and conclusions of the Commission, together with its recommendations and legislation and administrative changes designed to promote the maximum beneficial use of the radio broadcasting facilities. The Commission may, from time to time, and at the request of the President of the United States it shall submit interim reports. Upon receipt of the final report of the Commission the President shall promptly transmit the same to the Congress, together with a statement of his conclusions with respect thereto and his recommendations for legislation designed to effect the purposes of this resolution.

"Sec. 4. The Commission is authorized to sit and act at such times and places, to hold hearings, to employ such experts and counsel and such clerical, stenographic, and other assistance, to require the attendance of such witnesses and the production of such records, papers, and documents, to take such testimony, to have such printing and binding done, and to make expenditures as it deems necessary. Oaths and affirmations may be administered by any member of the Commission or by any examiner authorized by it. At the direction of the Commission any member or examiner may hold hearings, take and report testimony, and transmit the same together with his findings to the Commission.

"Sec. 5. Subpenas shall be issued under the signature of the chairman of the Commission and shall be served by any person designated by him. The provisions of sections 102, 103, and 104 of the Revised Statutes shall be applicable to any person summoned as a witness under the authority of this resolution in the same manner as such provisions are applicable to any person summoned as a witness in the case of an inquiry before a committee of the House.

"Sec. 6. The final report of the Commission, the transcript of all testimony taken before it, and studies made by or for it shall be printed and opened to public inspection.

"Sec. 7. The expenses of the Commission, including the traveling expenses of the members not to exceed 15 cents per mile shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved and signed by the chairman of the Commission.

"Nothing can be added to the information and statement of purposes contained in the proposed resolution. It may be necessary, however, to justify the appointment of a further commission.

"It is believed that the Communications Commission does not desire and is in no position and is not qualified to undertake the investigation specified in the resolution. The members of that Commission are engaged in the performance of administrative and other duties in connection with the regulation of electrical communications as a whole which require full-time attention and it would be unreasonable to expect them to take the time necessary for the intensive investigation described in the proposed resolution.

"The Commission is separated into divisions, but the chairman serves as a member of each division and some or all of the other members serve on two divisions. These divisions are concerned with the regulation of interstate and foreign communication by means of telephony and wire and radio telegraphy, not to mention amateur and aviation services and other branches of the communications business and art.

"It should be noted that the proposed Broadcasting Research Commission would be a temporary body, appointed by and responsible to the President, the chairman, who would, presumably, give full-time attention to the work. The object of proposing a commission of this type is to make available for the investigation the services of persons who could and would not ordinarily accept appointment on a Federal commission. It is believed that distinguished and disinterested citizens would be attracted by the opportunity of taking part in a nonpartisan attempt to formulate a sound and permanent policy regarding broadcasting.

"In the fall of 1934 the Communications Commission held hearings in Washington on a proposal to set aside a fixed percentage of facilities for educational programs and stations. At these hearings the industry, represented by network companies and the National Association of Broadcasters, presented a consolidated and effective case against the specific proposal before the Commission and against any departure from the status quo, while the outside groups presented half-baked irreconcilable proposals that had no effect whatever on the Commission, and the Commission decided to recommend disapproval of the proposal. The Commission has now called a conference on May 15 for the purpose of considering means of further cooperation between educational interests and the industry, and it is expected that the industry will again appear with a well-organized case to oppose the proposals of the so-called "pressure groups." It is believed that this method of meeting the claims and proposals of persons and groups not associated with the industry and not satisfied with broadcasting will continue to produce confusion and disappointment, that piecemeal revision of the act or regulations will prove to be unsatisfactory.

"It is for these reasons that we advocate the appointment of the Broadcasting Research Commission to investigate the industry and the proposals of outside groups and to lay down a policy and program for the future."

FCC REQUESTS ULTRA-HIGH FREQUENCY DATA

The Communications Commission this week addressed the following statements to licenses of ultra-high-frequency stations:

"Although many valuable contributions of data, both theoretical and experimental, have been published or reported to the Commission during the previous license period of radio stations operating on the ultra-high frequencies, the Commission has not been convinced that the available material has at any time been sufficient to wararnt an allocation of these frequencies to commercial services.

"Accordingly, the licensees of experimental stations operating on the ultra-high frequencies were renewed in June for the next license period, namely, until October 1, 1936, with the hope that within this period sufficient data might be obtained on which to base an allocation for at least a portion, if not all, of the frequency bands for which commercial equipment is obtainable.

"The experimental reports of all licenses submitted with applicaitons for renewal of license have been carefully studied, and the Commission appreciates the efforts that have been made and the pains that have been taken to make these reports complete and useful.

"You will find enclosed Memorandum No. 14019a containing some notes on the ultra-high frequency allocation problem, and you are requested to read it carefully. It is sent to you with the hope that it may be of some assistance in directing your experimental work, when such can be done, in such manner as to obtain for the Commission as much of the required data as possible.

"While it is realized that the allocation problem as a whole requires consideration of material and data which normally transcends the experimental objective of any one licensee, it is hoped that contributions from all will eventually bring forth sufficient data to permit the Commission to proceed with this important work.

"In addition, it may often be possible in the course of experimental work, with apparatus already set up, to extend the observations, without material additional expense or expenditure of time, beyond the limits required to reach the immediate objective of the experiment at hand, and in this way obtain data of great value to the Commission in the solution of the broader allocation problem.

"The Commission will appreciate the efforts of its licensees in this respect and will welcome any contributions of material which may be forwarded prior to the time when the next experimental reports are due. In this connection, attention is invited to the provisions of Rule 312."

FCC CONTEMPLATES HIGH FREQUENCY ALLOCATIONS

The Communications Commission this week issued the following statement concerning allocation of frequencies above 30,000 kc.:

"The Commission has endeavored during the past three or four years to obtain all available data on the transmission characteristics of the very high frequencies above 30,000 kilocycles and their possible application for radio communication in various radio services. This material will be needed when the time is at hand to allocate the ultra-high frequencies to various services for commercial use. Considerable information has been obtained from various sources, including the progress reports submitted by the licensees of experimental stations, the laboratories of commercial manufacturing and communication companies, Government departments, and technical papers which have appeared from time to time in the technical literature. The data at hand are still believed to be insufficient to permit an equitable distribution of the frequencies to radio services for commercial use at this time.

"It is the purpose herein to explain the Commission's need for the material above mentioned and to outline briefly the kind of data sought. It would be very helpful to the Commission to obtain for preliminary study any material which you may have available on the subjects outlined.

"Although the physical properties of the frequencies within the range 30,000-100,000 kilocycles, considering the entire band as a whole, are fairly well known, there is very little quantitative material available such as is required to determine the advantages or disadvantages of various portions of this band for use by specific radio services. Since frequencies above 30,000 kolocycles have many characteristics in common which render them particularly useful for a great many services, it has been found that the majority of licenses operating in the experimental service, in reporting the results of their work, report in substance as follows:

"That the frequencies used in their experimental work—no matter what portion of the frequency band used—are ideally suited for the particular service in which they have been endeavoring to determine their practical application."

"Such information, although of value in establishing the probable need of frequencies of the various commercial interests and the numerous applications of the frequencies, is not very helpful in attempts to evaluate various portions of the entire frequency range for various services, the requirements and operating conditions in which are all very different. In addition, regardless of certain transmission characteristcs typical of the entire band, there are physical properties and factors to be considered by reason of which certain sections or portions of the band are particularly suitable for specific purposes, and these also are known to vary widely throughout the frequency range to be considered for allocation.

"Some comprehensive reports containing very useful material on the subject of ultra-high frequency wave propagation have been received from the licensees of experimental stations. Many valuable papers on the subject have also been published by research organizations. Research work undertaken by commercial companies, however, usually has a specific objective, which naturally limits the ground covered.

"The factors which enter into the allocation problem must be considered by the Commission over a much broader field. The problem may be conveniently divided into three parts.

"I. A study of the frequency band to be allocated from the technical side alone. This requires a study of:

"1. Frequency versus field intensity characteristics for various ranges and specific area;

"2. The effect of altitude of receiving and transmitting antennas;

"3. The transmission characteristics of various frequency bands throughout the total range as determined by natural transmission phenomena, such as reflection, absorption, diffraction, refraction, polarization, and noise.

"II. Evaluation of the services as such from the standpoint of public need and benefit. This requires consideration of such matters as:

"1. The dependence of the service on radio rather than wire lines;

"2. The number of stations needed to assure the service;

"3. The probable number of people who will receive its benefits;

"4. The social and economic importance of the service;

"5. The safety of life and protection of property factors;

"6. The probability of practical establishment of the service and the degree of public support which it is likely to receive.

"III. The apparatus available for, and the operating conditions obtaining within each service. This involves such matters as:

"1. The distances over which communication will be required for point-to-point services;

"2. The areas which it will be necessary to cover for services such as broadcast, television and police;

"3. The field intensities required, which will vary greatly for different types of services;

"4. The relative amount of radio and industrial interference likely to be encountered;

"5. The relative amount of noise which may be tolerated in the different services;

"6. The receivers available and their selectivity and stability characteristics;

"7. The types of antennas which are practicable;

"8. The frequency tolerances which may be maintained and the channel widths which may be prescribed.

"All of the above factors must be considered with respect to the total number of frequencies available for allocation.

"It is in connection with parts I and III that data is lacking. Information relative to the transmission characteristics of the frequencies within the range of 100,000-500,000 kilocycles is very meager compared to that available within the range 30,000-100,000 kilocycles. In addition, certain phenomena are being reported in regard to which no definite connection with theory and experiment has as yet been made. Among these may be mentioned the reception of usable signals far beyond the ranges predictable by the diffraction theory, the diurnal variation of signals, and the appearance of fading at the greater ranges, although most recent experimental studies indicate that variations in transmission below the line of sight may be due to refraction and the changing moisture content of the atmosphere.

"The Commission apprecites the desirability of allocating all or a part of the ultra-high frequencies for commercial use as soon as this can be done in such manner as to best meet the needs of all services. Such would probably release frequencies in the lower frequency bands, thereby relieving the congestion which now exists in some services, thus increasing the efficiency of these services. It would in all probability also provide many new services by reason of which the public would receive many benefits.

"On the other hand, the deleterious effects of an allocation prematurely made are apparent. The allocation must be based on a firm foundation of engineering facts, in order that it may stand the test of time. There should be no necessity—if such can possibly be avoided—for revision of the plan at some later date, requiring shifts of the frequencies among the services and consequent redesign or replacement of equipment. Such would retard rather than accelerate the progress of the radio communication art. In order to avoid such contingency it has been the Commission's policy to proceed with caution and to strictly maintain the experimental status of the frequencies until such time as the requisite information becomes available. At the same time it has also been the policy to encourage all experimental licensees in their efforts to find practical applications for the frequencies, to the end that the desired information may be brought forth as soon as possible.

"At the present time there are 991 licensed general and special experimental stations operating on the ultra-high frequencies. Of these, many are engaged in pure research work, but the greater number are particularly interested in specific services and are endeavoring to obtain recognition and eventual establishment of these services. The services in which licensees have shown the greatest interest are aviation, municipal police, state police, broadcast pickup, broadcast, visual broadcast, special emergency, geophysical, a proposed service for railroads, a proposed service for forestry, fixed public and public coastal, fixed public press, and coastal and ship harbor. There are, for example, 111 municipalities now operating 97 fixed stations and 248 portable-mobile stations on police automobiles furnishing two-way communication service on the ultra-high frequencies on an experimental basis.

"Most of the experimental work is being carried on in the band 30,000-42,000 kilocycles. In order to avoid congestion and minimize interference in this band, certain groups of frequencies have been chosen for experimental work, the frequencies in each group being selected with considerable spread throughout the band in order to afford an opportunity to determine the most suitable frequencies for various services within this range. These groups are:

Experimental Service	*Frequencies (kc)*
General experimental station (police)	30100, 33100, 37100, 40100
General experimental station (broadcast-pickup)	31100, 34600, 37600, 40600
General experimental station (miscellaneous services)	31600, 35600, 38600, 41000

"The frequencies within the band 42,000-56,000 kilocycles and 60,000-86,000 kilocycles are being used for experimental visual broadcasting. Some work is being done on frequencies above 86,000 kilocycles by licensees essentially interested in fixed point-to-point telephone and telegraph communication.

"The frequencies in all of the ranges mentioned above are being used also by Government departments for their experimental work, under authority granted by Executive Order of the President.

"The following outline gives the types of data which are most needed:

"1. The total frequency range over which communication will be practicable, utilizing conventional vacuum tube circuits and new tubes. By new vacuum tubes is meant those not now commercially available, but which may be obtained for experimental purposes from the commercial laboratories, and it may reasonably be presumed, will become available for commercial use in the near future;

"2. The field intensity characteristics of the entire frequency band for specific ranges and for coverage of specific areas, considering the height above ground of transmitting and receiving antennas, reasonably expected to be obtained in practice;

"3. The favorable or unfavorable trend of various sections or portions of the entire frequency band as determined by or limited by:

"a. Transmitter design.
"b. Receiver design.
"c. Antennas and antenna locations.
"d. Character of terrain.
"e. Polarization.
"f. Attenuation, through that portion of the paths of the direct and indirect ray where buildings, trees, vegetation, and other absorbing materials are encountered.
"g. Reflection phenomena and interference patterns.
"h. Refraction.
"i. Diffraction.
"j. Noise.

"4. The advantges or disadvantages of the various portions of the entire frequency band for radiocommunication as determined or limited by the amount that the favorable or unfavorable trends as found above are augmented, reduced, or nullified by others.

QUOTA FACILITIES DUE AND ASSIGNED TO BROADCAST STATIONS AS OF AUGUST 26, 1935

First Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Conn.	2.13	1.90	— 0.23	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.98	— 0.18	— 8
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.13	+ 1.44	+ 9
R. I.	0.91	0.90	— 0.01	— 0
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.455	— 1.545	— 4

First Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Conn.	3.85	3.34	— 0.51	— 13
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	4.30	+ 0.39	+ 10
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	21.00	— 9.14	— 30
R. I.	1.65	1.00	— 0.65	— 39
Vt	0.86	0.86	— 0.00	— 0
Total	65.00	45.755	—19.245	— 30

Second Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.83	+ 1.25	+ 15
Pa.	12.43	12.18	— 0.25	— 2
Va.	3.13	4.75	+ 1.62	+ 52
W. Va.	2.23	2.09	— 0.14	— 6
Total	36.00	37.85	+ 1.85	+ 5

Second Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.31	— 4.97	— 44
Ohio	15.50	12.31	— 3.19	— 20
Pa.	22.45	14.85	— 7.60	— 34
Va.	5.64	6.34	+ 0.70	+ 12
W. Va.	4.03	4.15	+ 0.12	+ 3
Total	65.00	48.21	—16.79	— 26

Third Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ala.	3.32	2.735	— 0.585	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.26	+ 0.62	+ 17
La.	2.63	5.40	+ 2.77	+ 105
Miss.	2.52	1.26	— 1.26	— 50
N. Car.	3.97	4.19	+ 0.22	+ 6
Okla.	3.00	3.51	+ 0.51	+ 17
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.14	+ 3.84	+ 53
Total	36.00	46.165	+10.165	+ 28

Third Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ala.	5.99	4.685	— 1.305	— 22
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	5.20	+ 1.88	+ 57
Ga.	6.58	5.20	— 1.38	— 21
La.	4.75	5.60	+ 0.85	+ 18
Miss.	4.55	2.35	— 2.20	— 48
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	5.20	— 0.22	— 4
S. Car.	3.93	2.70	— 1.23	— 31
Tenn.	5.92	7.65	+ 1.73	+ 29
Texas	13.18	14.06	+ 0.88	+ 7
Total	65.00	62.245	— 2.755	— 47

Fourth Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ill.	10.14	11.14	+ 1.00	+ 10
Ind.	4.30	3.64	— 0.66	— 15
Iowa	3.28	5.27	+ 1.99	+ 61
Kans.	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.24	+ 0.42	+ 9
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	1.40	+ 0.50	+ 56
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.00	— 0.90	— 23
Total	36.00	39.43	+ 3.43	+ 10

Fourth Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ill.	18.30	15.62	— 2.68	— 15
Ind.	7.77	5.59	— 2.18	— 28
Iowa	5.93	8.06	+ 2.13	+ 36
Kans.	4.51	3.76	— 0.75	— 17
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	9.64	+ 0.94	+ 11
Nebr.	3.30	6.02	+ 2.72	+ 82
N. Dak.	1.63	2.20	+ 0.57	+ 35
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	5.98	— 1.07	— 15
Total	65.00	64.77	— 0.23	— 0

Fifth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	19.47	+ 2.29	+ 13
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	2.15	+ 0.52	+ 32
Nev.	0.27	0.30	+ 0.03	+ 11
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.14	+ 1.25	+ 43
Utah	1.54	3.30	+ 1.76	+ 114
Wash.	4.73	7.53	+ 2.80	+ 59
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	45.90	+ 9.90	+ 27

Fifth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz.	2.38	1.79	— 0.59	— 25
Calif.	31.02	23.27	— 7.75	— 25
Colo.	5.66	5.25	— 0.41	— 7
Idaho	2.43	2.05	— 0.38	— 16
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.30	— 0.19	— 39
N. Mex.	2.31	2.95	+ 0.64	+ 28
Ore.	5.21	6.19	+ 0.98	+ 19
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	9.29	+ 0.75	+ 9
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	57.74	— 7.26	— 11

RADIO LEGISLATION DURING 74TH CONGRESS

The first session of the 74th Congress has adjourned. Of the many bills and resolutions introduced affecting the broadcasters in one way or another, few became law. It is to be borne in mind that all of these bills keep their same status at the next Congress, convening on January 3rd, as that will only be another session of this same Congress.

The copyright bill (S. 3047) in which the broadcasters are so much interested, passed the Senate but was stalled in the House Committee on Patents as Congress adjourned.

Congress passed a resolution (H. J. Res. 135) calling upon the Federal Communications Commission to make an investigation of the telephone companies of the country.

Following is a compilation of the radio bills and resolutions introduced in both Houses of Congress during the session and their status when the session adjourned.

Senate

S. 4—Copeland, Vandenberg, Murphy bill "to prevent the promotion of fraud through interstate communication"—Committee on Commerce. No hearings held and no action.

S. 541—Capper bill "to prohibit the transportation in interstate commerce of advertisements of intoxicating liquors"—Committee on Interstate Commerce. No hearings and no action.

S. 820—Neely bill "relating to costs in radio proceedings before the Federal Communications Commission"—Committee on Interstate Commerce. No hearings and no action.

S. 1335—Wheeler bill "to amend section 202 of the Communications Act of 1934"—Committee on Interstate Commerce. Hearings held February 21 and 22. No report.

S. 1336—Wheeler bill "to amend paragraph (f) of section 4 of the Communications Act of 1934"—Committee on Interstate Commerce. Pased by the Senate and favorably reported by the House Committee but no action by the House.

S. 1418—Wheeler bill "to amend sections 210 and 602 (b) of the Communications Act of 1934"—Committee on Interstate Commerce. Hearing on February 25 but no report.

S. 2243—Wheeler bill "relating to the allocation of radio facilities"—Committee on Interstate Commerce. No hearings and no action.

S. 3261—Walsh bill to have foreign government programs approved by State Department—Committee on Interstate Commerce. No hearings and no action.

S. 3379—Copeland bill for radio reports by ships at sea—Committee on Interstate Commerce. No action.

S. J. Res. 46—Wheeler resolution for telephone investigation. Adopted.

House

H. R. 55—Rudd bill "to amend the Radio Act of 1927"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 197—Buckbee bill "to prohibit untrue, deceptive, or misleading advertising through the use of the mails or in interstate or foreign commerce"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 3252—Sauthoff bill "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per cent per annum is charged"—Committee on Post Offices and Post Roads. Hearings held March 8. No report.

H. R. 4318—Rayburn bill "to amend section 202 of the Communications Act of 1934 with respect to exclusive contracts"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 4319—Rayburn bill "to amend section 210 of the Communications Act of 1934 with respect to the issuing of franks and rendering of free service"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8404—Culkin bill "to prohibit advertising of alcoholic beverages in interstate commerce"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 8475—Monaghan bill "to amend the Communications Act of 1934 by establishing a Radio Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8852—McKeough bill to have foreign radio programs approved by the State Department—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8980—McCormack bill to allow ships to radio news reports—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9229—Scott bill "to amend section 326 of the Communications Act of 1934," dealing with censorship—Committee on Interstate and Foreign Commerce.—No hearings and no action.

H. R. 9230—Scott bill "to amend section 315 of the Communications Act of 1934" laying aside time for political and other uncensored broadcasts—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9231—Scott bill "to add section 315 (a) to the Communications Act of 1934" making it obligatory for stations to keep certain records—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. J. Res. 220—Sirovich resolution "providing for the establishment of an executive department to be known as the 'Department of Science, Art, and Literature' "—Committee on Patents. Extensive hearings but no report.

H. Res. 370—Scott resolution providing for the establishment of a "Broadcasting Research Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

RECOMMENDS WHBL CHANGE TO 1300 KC.

Station WHBL, Sheboygan, Wis., applied to the Federal Communications Commission for permission to change its frequency from 1410 to 1300 kilocycles, to decrease its power from 500 to 250 watts and to have unlimited time on the air instead of sharing it with WROK. At the same time Station WMBC, Detroit, Mich., asked that its frequency be changed from 1420 to 1300 kilocycles, that its power be increased from 100 watts and 250 watts LS to 500 watts and that its time on the air remain unlimited.

George H. Hill(e) in Report No. I-92 has recommended that the application of Station WHBL be granted and that the application of WMBC be denied. The Examiner found that there is need for additional service at Sheboygan and that no objectionable interference would be caused by granting the application of WHBL. On the other hand he found that the Detroit area is well served and that there is a possibility of interference if the application of WMBC should be granted.

RECOMMENDS LICENSE RENEWAL FOR WRBL

David Parmer filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Columbus, Ga., to use the facilities of Station WRBL and with call letters WDPI, on 1200 kilocycles, 100 watts power and unlimited time. Station WRBL, Columbus, Ga., asked for license renewal.

John P. Bramhall(e) in Report No. I-95 has recommended that the application of Parmer for leave to withdraw his application for the facilities of Station WRBL be granted "with prejudice" and that the application for license renewal of Station WRBL be granted.

The Examiner states that during the hearing Parmer, through his counsel, moved for leave to withdraw his application to which no objection was made by the other parties participating in the hearing. He states that the continued operation of Station WRBL would serve the public interest.

SUGGESTS NEW KANSAS STATION

Charles G. Theis filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Wichita, Kans., to operate on a frequency of 1210 kilocycles, 100 watts power and unlimited time on the air.

P. W. Steward(e) in Report No. I-96 recommends that the application be granted. The Examiner found that a need exists for additional local service in the area proposed to be served; that no interference would be caused with Station WREN and that the applicant is qualified in all ways to erect and operate such a station.

SUGGESTS NEW MASSACHUSETTS GRANT

The Connecticut Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a new broadcasting station at Springfield, Mass. The company requested assignment of 1140 kilocycles, 500 watts power, and limited time.

Melvin H. Dalberg(e) in Report No. I-93 recommends that the application be granted. The Examiner found that it is improbable that any interference would result from the granting of the application. He also found that there is need for local service around Springfield and the applicants are qualified to erect and operate such a station as proposed.

250 WATTS RECOMMENDED FOR WRJN

Broadcasting Station WRJN, Racine, Wis., applied to the Federal Communications Commission to increase its power from 100 watts to 100 watts and 250 watts LS. The station operates on a frequency of 1370 kilocycles with unlimited time.

P. W. Seward(e) in Report No. I-96 recommends that the application be granted. The Examiner found that the need for additional daytime service exists in the proposed area and that "the pendency of other applications from the state and zone does not materially interfere with the granting of this application."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Wednesday, September 4, 1935

WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license, **890 kc.**, 1 KW unlimited time. Present assignment: **890 kc.**, 500 watts, 1 KW LS, unlimited time.

WJAR—The Outlet Co., Providence, R. I.—Modification of license, **890 kc.**, 1 KW, unlimited time. Present assignment: **890 kc.**, 250 watts night (SA), 500 watts day.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—C. P., **890 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **890 kc.**, 250 watts, 500 watts LS, unlimited time.

Thursday, September 5, 1935

NEW—Bamberger Broadcasting Service, Newark, N. J.—C. P., **6020, 9510, 11850, 15170, 17800, 21480 kc.**, 5 KW Emission A3, unlimited time.

NEW—Knox Broadcasting Co., Schenectady, N. Y.—C. P., **1240 kc.**, 1 KW, unlimited time.

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., **11850** and **15230 kc.**, 2 KW, specified hours.

APPLICATIONS GRANTED

KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted C. P. to move transmitter outside city limits of Colorado Springs and make changes in equipment.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of C. P. to extend completion date to November 4, 1935.

KGMB—The Honolulu Broadcasting, Ltd., Honolulu, T. H.—Granted modification of C. P. to move station locally, make changes in equipment, extend commencement date to 60 days after this date and completion date to 90 days hereafter.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with 1 KW daytime power for period ending March 1, 1936.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted modification of license to make changes in specified hours so as to relieve station WCAL of the period 9:43 to 9:45 a. m., CST, on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday of each week until such time as WCAL might again desire such period.

WPHR—WLBG, Inc., Petersburg, Va.—Granted consent to transfer of control of WLBG, Inc., licensee of WPHR, to John Stewart Bryan, Tennant Bryan, and Douglas S. Freeman.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted renewal of license for a period of 30 days.

KFRU—KFRU, Inc., Columbia, Mo.—Granted renewal of license for a period of 30 days.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the regular period.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted renewal of license for the regular period.

KEHE (formerly KTM)—Evening Herald Pub. Co., Los Angeles, Calif.—Granted renewal of license for a period of 30 days.

KELW—Evening Herald Pub. Co., Burbank, Calif.—Granted renewal of license for a period of 30 days.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for a period of 30 days.

WIBW—Topeka Broadcasting Asso., Inc., Topeka, Kans.—Granted renewal of license for a period of 30 days.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted extension of special experimental authority to operate on **970 kc.**, 1500 watts, unlimited time instead of limited time, for period ending February 1, 1936.

WOEB—Agricultural Broadcasting Co., Portable (Chicago, Ill.).—Granted license to cover C. P. (temporary broadcast pickup service); frequencies **1606, 2020, 2102, 2760 kc.**, 100 watts.

W9XMD—Agricultural Broadcasting Co., Portable-Mobile (Chicago, Ill.).—Granted license to cover C. P. (exp. gen. exp. service), frequencies **31100, 34600, 37600, 40600 kc.**, 25 watts.

W9XHE-W9XHF—Agricultural Broadcasting Co., Portable-Mobile (Chicago, Ill.).—Granted license to cover C. P. (exp. gen. exp. service), frequencies **31100, 34600, 37600, 40600 kc.**, 2 watts power.

SET FOR HEARING

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Application for C. P. to make changes in equipment, increase daytime power to 5 KW, and install new directional antenna system. (Present assignment: **780 kc.**, 1 KW night, 2½ KW day, unlimited.)

NEW—The Lifebuilders, Dr. Alvin J. Corbell, Founder, Fort Worth, Tex.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Application for modification of license to change frequency from **1200 kc.** to **630 kc.**, and power from 100 watts night, 250 watts day, to 250 watts night and day.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for renewal of license.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P., already in hearing docket, amended to read: Make changes in equipment, increase day power from 100 watts to 250 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for renewal of license.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Application for renewal of license.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Application for renewal of license.

MISCELLANEOUS

KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Denied special temporary authority to operate with power of 250 watts from 8:15 to 10:30 p. m., CST, for period August 20 to September 15, 1935, in order to broadcast baseball games.

KGKB—E. Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 8 a. m. to 2 p. m., and 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6, and 7:30 to 9 p. m., CST, during the month of September, pending action on formal application.

E. E. Krebsbach, Wolf Point, Mont.—Denied petition asking for immediate grant of application for new station to operate on **1450 kc.**, 1 KW, unlimited time. Final action on application withheld pending submission of Examiner's Report on hearing held August 16, 1935.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Affirmed grant made January 29, 1935, of special experimental authority to increase power from 500 watts to 1 KW, since WICC and WCAO have withdrawn protest.

NEW—Southern Oregon Pub. Co., Roseburg, Ore.—Reconsidered and granted application for new station to operate on **1500 kc.**, 100 watts, daytime, after applicant submitted new and satisfactory financial showing.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Reconsidered and granted application to increase power to 500 watts night and 1 KW day.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene in application of WJJD for removal of transmitter from Mooseheart to Des Plaines, Ill. Denied petition to intervene in hearing of application of WIND for modification of license since Examiner has already filed his report and time for exceptions has expired.

NEW—Monocacy Broadcasting Co., Rockville, Md.—Suspended grant and designated for hearing application for new station because of protest of WCAU, Philadelphia, to operate on **1140 kc.**, 250 watts, daytime only.

WOL—American Broadcasting Co., Washington, D. C.—Denied petition protesting action of Commission on July 2, 1935, in granting application for new station at Rockville, Md., to be operated by the Monocacy Broadcasting Co. (since designated for hearing), as protestant has shown no basis for probable cause of injury nor any showing that it will in any wise be adversely affected by the grant.

WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Denied petition of John G. Priebe asking Commission to cancel license of WCCO because protestant was denied the right to deliver speech in behalf of a candidate for Mayor of Minneapolis, unless and until he would agree to delete certain portions of the speech which were by the station held to be objectionable.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted petition to intervene at hearing of application of Hyman Altman for new broadcasting station at Detroit, to operate on **1370 kc.**, 100 watts, daytime.

WTMJ—The Journal Co., Milwaukee, Wis.—Denied petition asking Commission to strike from hearing docket application for renewal of license.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KARK, Little Rock, Ark.; KGBU, Ketchikan, Alaska; KGW, Portland, Ore.; KMJ, Fresno, Cal.; KOMO, Seattle, Wash.; KPRC, Houston, Tex.; KSAC, Manhattan, Kans.; WBAA, W. Lafayette, Ind.; WCOC, Meridian, Miss.; WFIL, Philadelphia; WGBF, Evansville, Ind.; WICC, Bridgeport, Conn.; WJAX, Jacksonville, Fla.; WJAY, Cleveland, Ohio; WKBN, Youngstown, Ohio; WKZO, Kalamazoo, Mich.; WMC and auxiliary, Memphis, Tenn.; WMCA and auxiliary, New York; WMT, Cedar Rapids, Ia.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take on licensee's pending applications for renewals:

KFRC, San Francisco, Cal.; KFYR, Bismarck, N. Dak.; WMMN, Fairmont, W. Va.; WOS, Jefferson City, Mo.; WTMJ, Milwaukee, Wis.

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted extension of Special Temporary Authority to operate with 500 watts additional power during daytime hours only for the period Sept. 1 to Oct. 1, 1935.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Present license extended on a temporary basis from Sept. 1 to Oct. 1, 1935, pending receipt and action on application for renewal.

WQAN—E. J. Lynett (Proprietor, the Scranton Times), Scranton, Pa.—Present license extended on a temporary basis from September 1 to October 1, 1935, pending receipt and action on application for renewal.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Present license extended on a temporary basis from September 1 to October 1, 1935, pending action on renewal application.

WLBL—State of Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Present license extended on a temporary basis from September 1, to October 1, 1935, pending action on renewal application.

KOB—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Present license extended on a temporary basis from September 1 to October 1, 1935, subject to such action as may be taken on pending application for renewal.

APPLICATIONS DISMISSED

The following applications heretofore set for hearing, were dismissed at request of applicants:

WRDW—Augusta Broadcasting Co., Augusta, Ga.—C. P. **1240 kc.**, 250 watts, 1 KW LS, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time.

NEW—American Broadcasting Corporation of Ohio, Cleveland, Ohio—C. P., **890 kc.**, 500 watts 1 KW LS, unlimited time.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of C. P., **850 kc.**, 1 KW, daytime.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-73: Carl C. Strubel, The Dalles, Ore.—Denied C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time, sustaining Examiner John P. Bramhall. Order effective Sept. 11, 1935.

NEW—Ex. Rep. No. 1-74: F. L. Whitesell, Forty Fort, Pa.—Denied C. P. for new station to operate on **930 kc.**, 500 watts, daytime, sustaining Examiner R. H. Hyde. Order effective Sept. 11, 1935.

NEW—Ex. Rep. No. 1-80: Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, daytime hours, sustaining Examiner R. H. Hyde. Order effective Sept. 18, 1935.

WTAQ—Ex. Rep. No. 1-82: Gillette Rubber Co., Eau Claire, Wis. —Granted voluntary assignment of license from Gillette Rubber Co. to WHBY, Inc. **1330 kc.**, 1 KW, simultaneous day with KSCJ, specified hours at night, sustaining Examiner George H. Hill. Order effective Sept. 18, 1935.

WTAQ—Gillette Rubber Co., Green Bay, Wis.—Granted C. P. to change studio and transmitter sites, install new directional antenna; change hours of operation from simultaneous day with KSCJ, specified hours night, to unlimited time. **1330 kc.**, 1 KW. Examiner Hill sustained. Order effective Sept. 18.

APPLICATIONS RECEIVED

First Zone

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—License
990 to cover construction permit (B1-P-613) to make changes in equipment.

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—Con-
1210 struction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended to make equipment changes.

NEW—Northern Broadcasting Corp., Watertown, N. Y.—Con-
1270 struction permit for a new station to be operated on **1270 kc.**, 250 watts, daytime.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Con-
1270 struction permit to install a 250-watt auxiliary transmitter.

WCOP—Joseph M. Kirby, Boston, Mass.—License to cover construction permit (B1-P-82) as modified for a new station.

NEW—Thames Broadcasting Corp., New London, Conn.—Con-
1500 struction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime. Amended to change transmitter site from Niles Hill Road, 2 miles from center of city to State Pier, between Winthrop Cove and Winthrop Point, New London, Conn., and make further changes in equipment (antenna).

W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of construction permit for special experimental station for extension of completion date to 3-15-36.

Second Zone

NEW—John E. Fetzer, Saginaw, Mich.—Construction permit for
800 a new station to be operated on **800 kc.**, 1 KW, daytime.

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh,
980 Pa.—License to cover construction permit (B2-P-664) to make changes in equipment.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Construction permit
1340 to increase power from 1 kilowatt, 2½ kilowatts day to 1 kilowatt, 5 kilowatts day, and make changes in equipment.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 2.5 watts.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 2.5 watts.

Third Zone

WSGN—Ormand O. Black and Mary Collett Black, Birmingham,
590 Ala.—Construction permit to install new equipment, change frequency from **1310 kc.** to **590 kc.**, power from 100 watts, 250 watts day to 1 KW day and night and move transmitter from 1627 No. 20 Way, Birmingham, Ala., to site to be determined, Alabama.

WBHS—Virgil V. Evans, Huntsville, Ala.—Construction permit to
1200 move transmitter and studio from 121 West Clinton St., Huntsville, Ala., to site to be determined, Chattanooga, Tenn. Requests change of call letters from WBHS to WTVA. Amended: To change hours of operation from unlimited time to daytime only.

NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit for
1200 a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment.

KTRH—KTRH Broadcasting Co., Houston, Texas—Special experimental
1290 authorization to operate on **1290 kc.**, 1 KW, 2½ KW day, unlimited time for period from 5-1-35 to 11-1-35.

NEW—Hunt Broadcasting Association, Fred Horton, President,
1310 Greenville, Texas—Construction permit for a new station to be operated on **1310 kc.**, 50 watts, daytime.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction
1370 permit to install new equipment, change hours of operation from specified hours to unlimited, move transmitter from Hattiesburg Hotel, Mobile and Pine Sts., to corner 7th St., West and North 25th Ave., Hattiesburg, Miss.

KCMC—North Mississippi Broadcasting Corp., Texarkana, Ark.—
1420 Construction permit to make changes in equipment.

KNEL—G. L. Burns, Brady, Texas—Modification of construction permit (B3-P-212) for a new station, requesting an extension of commencement date from 9-16-35 to 10-16-35.

NEW—Southwest Broadcasting Co., Mobile, Ala.—Construction permit for a new broadcast pickup station on **1646, 2090, 2190, 2830 kc.**, 75 watts.

NEW—Wilton E. Hall, Portable-Mobile—Construction permit for general experimental station for **40600 kc.**, 0.5 watts. Resubmitted and amended: To include **31100, 37600**, and **34600 kc.**

Fourth Zone

NEW—Mankato Broadcasting Co., Mankato, Minn.—Construction
1210 permit for a new station to be operated on **1210 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Voluntary
1260 assignment of license from Mona Motor Oil Co. to Central States Broadcasting Co.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Construction
1280 permit to make changes in equipment, install new antenna, increase power from 1 KW to 1KW; 5 KW day.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secretary,
1310 Clinton, Iowa—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Wausau Broadcasting Co., by Emmons L. Abeles, Secretary,
1310 Wausau, Wis.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—Construction
1370 permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited time.

NEW—F. A. Holmes and F. A. Haffa (a partnership), Waterloo,
1370 Iowa—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, 250 watts day, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secretary,
1370 Grand Island, Nebr.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Mason City Broadcast Co., by Emmons L. Abeles, Secretary,
1420 Mason City, Iowa—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secretary,
1420 Hastings, Nebr.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secretary,
1500 Winona, Minn.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa—Construction
1500 permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Donald A. Burton, Portable-Mobile—Construction permit for general experimental station for **31100, 34600, 37600** and **40600 kc.**, 2 watts.

W9XHA—Donald A. Burton, Portable-Mobile—License to cover construction permit (B-4-PE-53) for a new general experimental station.

NEW—The Star-Chronicle Publishing Co., St. Louis, Mo.—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.**, 100 watts.

Fifth Zone

NEW—Christina M. Jacobson, d/b as The Valley Electric Co.,
1090 San Luis Obispo, Calif.—Construction permit for a new broadcast station to be operated on **1090 kc.**, 250 watts, daytime.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction
1340 permit for a move of transmitter from Symons Bldg., Spokane, Wash., to E½ of E½ of N½, Lot 10, Sec. 4, Twp. 24, N. Range 43, E.W.M. Spokane, Wash.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★
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COST PER INQUIRY ACCOUNTS

Evidence of efforts to secure radio time on a cost per inquiry or percentage basis is displayed by the following letter received by a member and forwarded to NAB Headquarters:

"Gentlemen:

"Since the Supreme Court ruling on the Codes now makes it possible for any radio station to accept business on a contingent basis, you might find it profitable to use a few minutes of your morning time in giving the enclosed announcement.

"This announcement has proved itself unusually effective in pulling orders for .... and we are willing to pay you 17 cents net on each and every .... order you produce for our client, ... You might try making this announcement every morning for a week and see for yourself just how productive it is, how it is very likely to more than pay card rates for the time taken in giving the same.

"You may accept this letter as authority for going ahead on the basis mentioned above, forwarding all orders for .... to us unopened. We will make an accounting weekly or monthly on all orders sent us, whichever you wish."

The Managing Director addressed the following letter to the agency that sent out the above letter:

"Our attention has been directed to your form letter addressed to certain radio broadcasting stations advising that since the Supreme Court ruling on the Codes now makes it possible for any radio station to accept business on a contingent basis, they might find it profitable to use a few minutes in giving an announcement which you enclosed with your letter.

"For your information and guidance the National Association of Broadcasters at a membership meeting held last month adopted a new Code of Ethics which, among other things, outlaws all percentage and contingent accounts.

"Radio advertising is not a gamble. Test after test has shown it to be a most effective advertising medium. Radio time on member stations is not a bargain counter commodity and you can best gain the respect of the radio broadcasting industry by cooperating in the maintenance of this standard.

"We shall greatly appreciate a reply from you."

That some stations have accepted this type of business is evidenced by the following reply:

"I have your letter of August 21st relative to our general letter sent out to the radio stations offering a contingent deal on the......
....

"I am very glad that you wrote me concerning this matter, since it gives us an opportunity to explain exactly why this offer was made.

"Some few radio stations do accept contingent deals and this fact was being played up to our client by another advertising agency that has accepted accounts on a contingent basis in the past. In order to protect ourselves it was necessary for us to go on record with every radio station in the country that a deal of this type could be obtained through our office.

"For your information, this account accepts regular advertising programs on a number of large stations for which they pay card rates. It is their intention and ours to continue along this basis. However, we could not have our relationship with this account jeopardized by insinuations of a competitor that they could obtain contingent deals.

"I trust this will explain to you our stand in relation to the offer made. Rest assured that we are heartily in favor with the stand of your Association and certainly hope that radio stations in general will stick to the ethics you set forth."

As indicated by the letter below, efforts are being made to learn the identity of the stations that have accepted this type of business:

"This will acknowledge the receipt of your letter dated the 24th with reference to contingent accounts with radio broadcasting stations.

"We greatly appreciate your explanation of this matter. We should also appreciate it if you will inform us of any station accepting contingent business, whether through you or anyone else. Such information will be treated as strictly confidential. It will be used to prepare a report to our Board of Directors. I am sure that the membership as a whole will not permit one bad apple to spoil the whole barrel."

If the stations are members of NAB the Managing Director will submit a special report thereon to the Board of Directors.

AN EXCHANGE OF IDEAS

The Managing Director believes that a compilation and circulation of outstanding success stories on radio advertising would prove definitely beneficial to members.

If you agree please prepare and forward a manuscript describing (1) the product advertised; (2) the establishment offering the product; (3) the potential audience of the station; (4) the type of program used; (5) the time of broadcasts; (6) the type of merchandising service rendered by station; and (7) the results obtained.

The correctness of copy should be verified by a responsible officer or employee of the station.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaint

The Commission has alleged unfair competition in a complaint issued against the following company. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2529. Carl. E. Koch and Eugene F. Heflebower, d/b as Cooperative Buyers' Service and American Beauty Products Co., Chicago, Ill. Among misrepresentations charged are the following: That Cooperative Buyers' Service operated cooperatively as a purchasing agent, selling merchandise at cost plus a service charge; that it had offices in San Francisco and Paris, and that it sold various items of nationally known beauty supplies when in fact it did not have them in stock but filled orders with products of another brand. The complaint also alleges that the respondents, under the name of Cooperative Buyers' Service, advertised "Marlow Soapless Shampoo Oil" and sold it, when in fact this name was an imitation of a name under which a similar article called "Mar-O-Oil Shampoo" had for several years been manufactured and sold by J. W. Morrow Manufacturing Co., of Chicago.

Stipulations

No. 1442. Pergande Publishing Co., Milwaukee, Wis. Respondent agrees to cease and desist from using the words "Civil Service" as part of or in connection with their trade name, either independently or in conjunction with words such as "Institute" or "Publishing Company" or with pictures of a building resembling the United States Capitol, or in any way which may tend to deceive the public into believing that these persons are a branch of or have an official connection with the United States Civil Service Commission.

No. 1443. Teleplex Company, Teaneck, N. J. The respondent agrees to forego the use in advertisements of representations having a tendency to mislead purchasers into the belief that the Teleplex machine has been officially adopted by and is standard equipment for the United States Government, including the Army, Navy and Signal Corps, also the Canadian National Defense and corporations such as American Telephone and Telegraph Co., when this is not true.

No. 0888. Noxzema Chemical Company, Baltimore, Md. Respondent agrees to cease alleging that its cream (Noxzema) is a remedy for any disease of the skin, unless the assertion is limited to the effect of a palliative to relieve burning, itching or irritation. The Noxzema company will also stop advertising that its cream is the "only" thoroughly tested sunburn remedy, or is an effective treatment for baby rash or any other ailment of the skin peculiar to infants, unless this representation is confined to external causes.

No. 0889. The Fox Medicine Co., Cleveland, Ohio. The Fox Medicine Co., advertising its preparation known as "Fox Tabs," agrees to cease and desist from representing, directly or otherwise, that this substance is a competent or effective treatment for rheumatism, lumbago or acid irritation, or that the preparation is known the world over.

No. 1441. Samuel Diamond and Samuel A. Blitz, tr/as "Perfumes of Paris," Chicago, Ill. Respondent agrees to stop using the word "Paris" as a part of or in connection with their copartnership or trade name or on labels affixed to the containers in which their products are packed, and from employing the word "Paris" in any way which may tend to deceive buyers into believing that their preparations are produced or compounded in Paris, when this is not true.

DISMISSAL

The complaint issued against the Hoyt & Worthen Tanning Corp., Haverhill, Mass. (No. 2310), alleging unfair representation in the sale of chamois skins, has been dismissed.

NOTICE

Should any station be approached by a person calling himself Bob White, whose real name is said to be Gordon Higham, with a desire to go on the air with "Bob White's Scrap Book," it is requested that they immediately communicate with Station KSFO, Russ Building, San Francisco, by telegraph collect. The station is very anxious to locate this person.

WGES RENEWAL RECOMMENDED

The application for renewal of license of WGES, Chicago, set for hearing because of programs sponsored by "Dr. Schyman," heard on June 17, 1935, before R. H. Hyde, examiner, resulted in the recommendation by the examiner that the license renewal be issued. The examiner found that the program brought into question had been discontinued, and that the renewal would serve public interest.

NEW HARTFORD STATION RECOMMENDED

Examiner Melvin H. Dahlberg's report on a hearing held June 3-6, 1935, involving the applications of the Hartford Broadcasting Co., Inc., Hartford, Conn., for a construction permit for a new station (1200 kc., 100 watts, unlimited time), the Worcester Broadcasting Co., Inc., Worcester, Mass., for construction permit for a new station (1200 kc., 100 watts, unlimited time), and the Hartford Times, Inc., Hartford, Conn., for a construction permit for a new station (1200 kc., 100 watts, unlimited time) concluded by recommending the granting of the application of the Hartford Times, Inc., application for daylight hours only because of interference limitations. The report, submitted this week, found that the proposal of the Hartford Broadcasting Co. and the Worcester Broadcasting Co. to use directional antennas on a local channel to be contrary to the policy of the Commission.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 9, 1935

NEW—Wayne Broadcasting Co., Hamtramck, Mich.—C. P., **1370 kc.,** 100 watts, daytime.

NEW—Hyman Altman, Detroit, Mich.—C. P., **1370 kc.,** 100 watts, daytime.

WKAR—Michigan State College, East Lansing, Mich.—Modification of license, **850 kc.,** 1 KW, daytime, sunset at WWL. Present assignment: **1040 kc.,** 1 KW, S.H., daytime.

Tuesday, September 10, 1935

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., **1200 kc.,** 100 watts, unlimited time.

Wednesday, September 11, 1935

NEW—North Side Broadcasting Corp., New Albany, Ind.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Champaign News-Gazette, Inc., Champaign, Ill.—C. P., **1370 kc.,** 100 watts, unlimited time.

Thursday, September 12, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-48:

2829—B5-SA-56—KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Special experimental authority, **610 kc.,** 1 KW, 2½ KW LS, unlimited time. Present assignment: **1280 kc.,** 1 KW, 2½ KW LS, unlimited time.

HEARING BEFORE AN EXAMINER

WHFC—WHFC, Inc., Cicero, Ill.—C. P., **1420 kc.,** 100 watts, 250 watts LS, specified hours. Present assignment: **1420 kc.,** 100 watts, specified hours.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license, **1410 kc.,** 500 watts, unlimited time. Present assignment: **1410 kc.,** 500 watts, shares with WHBL.

Friday, September 13, 1935

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Voluntary assignment of license, **1200 kc.,** 100 watts, 250 watts LS, shares with WKBO.

WKJC—Associated Broadcasters, Inc., Easton, Pa.—C. P. to move studio and transmitter; **1200 kc.,** 100 watts, 250 watts LS, shares with WKBO.

WKJC—Associated Broadcasters, Inc., Easton, Pa.—Transfer of control of corporation.

APPLICATIONS GRANTED

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted license to cover C. P.; frequency **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted license to cover C. P.; **1180 kc.,** 1 KW night, 5 KW day, limited time.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted license to cover C. P.; **1210 kc.,** 100 watts, daytime.

WIEW—National Broadcasting Co., Portable-Mobile (New York City).—Granted C. P. to replace transmitter and increase power from 7.5 watts to 20 watts.

W6XHF—KTAR Broadcasting Co., Inc., Portable-Mobile (Phoenix, Ariz.).—Granted license to cover C. P. (exp. gen. exp.); frequencies **31100, 34600, 37600** and **40600 kc.,** 10 watts.

W2XE—Atlantic Broadcasting Corp., near Wayne, N. J.—Granted modification of license to add frequencies **17760** and **21520 kc.**

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of license (exp. exp. relay broadcasting) to increase power from 5 KW to 10 KW.

SET FOR HEARING

NEW—Geo. E. Carter and Homer G. Wolfe and Clara I. Knight, Partners, d/b as Carter and Wolfe, Mansfield, Ohio (site to be determined).—Application for C. P. for new station to operate on **1370 kc.,** 50 watts night, 100 watts day, unlimited time.

NEW—Philip J. Wiseman, Lewiston, Maine (site to be determined). —Application for C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Miles J. Hansen, Fresno, Calif.—Application for C. P. (already in hearing docket) amended to read: **1420 kc.**, 100 watts; unlimited time.

NEW—Bell Broadcasting Co., Temple, Tex.—Application for C. P. for new station; **1370 kc.**, 100 watts, daytime.

NEW—Wisconsin Broadcasting Co., Oshkosh, Wis.—Application for C. P. for new station; **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

MISCELLANEOUS

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark. —Denied special authority to operate from sunset to 6:30 p. m. for period beginning September 1 and ending in no event later than November 1, 1935, in order to comply with certain contracts.

WJJD—WJJD, Inc., Chicago, Ill.—Suspended grant and designated for hearing application to move transmitter from Mooseheart to Des Plaines, Ill., because of protest of WCFL. (Action taken August 27, 1935.)

KFJM—University of North Dakota, Grand Forks, N. Dak.—Denied petition asking Commission to reconsider and grant application to change frequency from **1370 kc.** to **1410 kc.** and increase power from 100 watts to 1 KW night, 5 KW day. Application now in hearing docket.

Cumberland Broadcasting Co., Inc., Portland, Me.—Denied request for hearing on application for new station at Portland, Me., to operate on **1210 kc.**, 100 watts, before decision is rendered in the cases involving the frequency **640 kc.** This action applies to other applicants seeking station in Portland, Me., to operate on **1210 kc.**, 100 watts. Commission believes issues in **1210 kc.** cases will be more clearly defined after decision is reached in **640 kc.** cases.

KADA—C. C. Morris, Ada, Okla.—Denied petition asking Commission to reconsider action in designating for hearing application for authority to operate with 100 watts night and to increase time of operation from daytime to unlimited.

ORAL ARGUMENT GRANTED

Oral argument was granted in the case of WQDM, Examiner's Report No. 1-85 (E. J. Regan and F. Arthur Bostwick, St. Albans, Vt.), to be heard December 4, 1935, before the Broadcast Division.

ACTION ON EXAMINERS' REPORTS

KGFJ—Ex. Rep. 1-52: Ben S. McGlashan, Los Angeles, Calif.—Denied C. P. to make changes in equipment, **1200 kc.**, 100 watts night, 250 watts day, unlimited time, sustaining Examiner R. L. Walker. Order effective October 15.

KOOS—Ex. Rep. 1-81: H. H. Hanseth, Inc., Marshfield, Ore.—Granted modification of C. P. to change frequency from **1200 kc.** to **1390 kc.**; 250 watts, daytime, sustaining Examiner J. P. Bramhall. Order effective October 8.

KSTP—Ex. Rep. 1-83: National Battery Broadcasting Co., St. Paul, Minn.—Denied application for modification of special experimental authorization to operate with 25 KW night, **1460 kc.**; 25 KW, unlimited time, reversing Examiner R. L. Walker. Order effective September 24, 1935.

WDRC—Ex. Rep. 1-84: WDRC, Inc., Hartford, Conn.—Granted modification of license to increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS; **1330 kc.**, unlimited time, sustaining Examiner Geo. H. Hill. Order effective October 8.

ACTION ON CASES HEARD BY COMMISSIONER BROWN

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Granted renewal of license, **1200 kc.**, 100 watts, unlimited time.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted renewal of license, **950 kc.**, 1 KW night, 2½ KW day, unlimited time.

KFWB—Warner Bros. Broadcasting Corp., Los Angeles, Calif.—Granted C. P. to install new equipment and increase day power from 2½ to 5 KW, **950 kc.**, 1 KW night, unlimited time.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted renewal of license, **710 kc.**, 500 watts, limited time. (Commissioner Brown's recommendations were sustained in all of the above cases.) Order effective October 1, 1935.

APPLICATIONS RECEIVED

First Zone

WEAN—The Shepard Broadcasting Service, Inc., Providence, R. I.
780 —Construction permit to install new equipment; increase power from 500 watts to 1 KW; move transmitter from Biltmore Hotel, Washington St. and Exchange Place, Providence, R. I., to site to be determined, Providence, R. I.

NEW—Brown Radio Service & Laboratory (Gordon P. Brown,
1210 owner), Rochester, N. Y.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended to make changes in antenna.

WIEW—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to cover construction permit (B1-PY-20) to replace transmitter and increase power to 20 watts.

Second Zone

WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of construc-
1220 tion permit (B2-P-198) to install new equipment and increase day power, requesting to make changes in equipment.

WSPD—The Toledo Broadcasting Co., Toledo, Ohio.—License to
1340 cover construction permit (2-P-B-3277) as modified to install new equipment, increase power, and move transmitter.

Third Zone

WIS—Station WIS, Inc., Columbia, S. C.—Modification of con-
560 struction permit (3-P-B-3258) as modified authorizing move of transmitter, change in frequency, changes in equipment, and increase in power, requesting extension of completion date from 10-10-35 to 12-10-35.

WAIM—Wilton E. Hall, Anderson, S. C.—Construction permit to
590 change frequency from **1200 kc.** to **590 kc.**; install new equipment; increase power from 100 watts to 250 watts, 1 KW day; and move transmitter from Anderson College, Anderson, S. C., to site to be determined, Anderson, S. C.

WREC—WREC, Inc., Memphis, Tenn.—Modification of construc-
600 tion permit (B3-P-161) authorizing changes in equipment, move of transmitter, increase in power, and installation of directional antenna, requesting extension of commencement date from 7-30-35 to 10-12-35.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Con-
1200 struction permit to make changes in equipment. Amended to make further changes in equipment.

KNEL—G. L. Burns, Brady, Tex.—Modification of construction permit (B3-P-212) as modified for approval of studio site at 106 North Blackburn, Brady, Tex., transmitter site at 1 mile east of business district, just outside of city limits, Brady, Tex., and approval of antenna system. Also, extend commencement and completion dates to 10 days after grant and 180 days thereafter.

WGCM—WGCM, Inc., Mississippi City, Miss.—Authority to trans-
1210 fer control of corporation from Grace Jones Stewart to Sam Gates, 280 shares of stock. (Jurat.)

NEW—Benavides Independent School District, Benavides, Tex.—
1310 Construction permit for a new station to be operated on **1310 kc.**, 50 watts, daytime. Amended: Change power from 50 to 100 watts; move transmitter locally, Benavides, Tex. Equipment to be determined.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Construc-
1420 tion permit for installation of new equipment; increase power from 100 watts to 100 watts, 250 watts daytime; and move transmitter from Ninth and Bell Sts., Shawnee, Okla., to site to be determined, Shawnee, Okla. (approximately 2 miles south of present location).

W9XHJ—The Pulitzer Publishing Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000, 400000 kc.**, 5 watts.

Fourth Zone

KSAC—Kansas State College of Agriculture & Applied Science,
580 Manhattan, Kans.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW day and night. (Jurat.)

KFRU—KFRU, Inc., Columbia, Mo.—Authority to transfer con-
630 trol of corporation from Nelson R. Darragh to Luther L. Hill, 350 shares of common stock.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Voluntary
740 assignment of license from The M. M. Johnson Co. to Nebraska Broadcasting Company.

NEW—Central Broadcasting Co., Eau Claire, Wis.—Construction
1050 permit for a new station to be operated on **1050 kc.**, 250 watts, daytime (contingent on granting of B4-P-369 for WTAQ to move to Green Bay, Wis.).

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Voluntary as-
1060 signment of license from The Norfolk Daily News to Nebraska Broadcasting Company.

NEW—Burlington Broadcasting Company, Burlington, Iowa.—
1370 Construction permit for a new broadcast station to be operated on **1370 kc.**, 100 watts power, unlimited. Amended: Equipment changes (antenna).

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Con-
1400 struction permit to make equipment changes and increase power from 500 watts, 1 KW day, to 5 KW day and night. Amended to change power requested from 5 KW to 1 KW, 5 KW day.

KABR—Aberdeen Broadcast Co., Aberdeen, S. C.—Modification
1420 of license to change hours of operation from daytime to unlimited time, using 100 watts power. Amended: Changes in antenna.

NEW—Herbert Hollister, to be determined.—Construction permit
1420 for a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited.

NEW—Appleton Broadcasting Company, Emmons L. Abeles, Secy.,
1500 Appleton, Wis.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited. Amended: Equipment changes—antenna.

WLEZ—The Norfolk Daily News, Norfolk, Nebr.—Assignment of license to Nebraska Broadcasting Company.

Fifth Zone

KLZ—The Reynolds Radio Company, Inc., Denver, Colo.—Modifi-
560 cation of construction permit (5-P-B-3274) as modified for approval of transmitter site at Pecos and Jewell Sts. (outside of city limits), Denver, Colo. (same as now licensed), and extend commencement date from 8-24-35 to 60 days after grant and completion date from 2-20-35 to 180 days thereafter.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Con-
570 struction permit to move transmitter from near Des Moines, Wash., to King County, Wash.; make equipment changes, and increase day power from 1 KW to 5 KW. Amended to change transmitter site from King County, Wash., to site to be determined, Washington, and make further changes in equipment.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Extension of special experimental authorization to operate on **780 kc.** for period of 90 days from 9-28-35.

NEW—J. Laurance Martin, Tucumcari, N. Mex.—Construction
1200 permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to make changes in equipment.

NEW—Fairbanks Broadcasting Co., Fairbanks, Alaska.—Construc-
1220 tion permit for a new broadcast station to be operated on **1220 kc.**, 250 watts, unlimited time.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Construc-
1250 tion permit for new equipment; increase power from 1 KW to 1 KW, 5 KW day. Amended: Antenna changes.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Voluntary
1250 assignment of license from Nichols & Warinner, Inc., to Hal Nichols, Inc.

KFBK—James McClatchy Co., Sacramento, Calif.—Modification
1310 of construction permit to request approval of transmitter site, make changes in equipment and antenna. Amended to omit request for changes in antenna.

KMO—KMO, Inc., Tacoma, Wash.—Modification of license to in-
1330 crease power from 250 watts to 500 watts.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Construction permit
1390 for new equipment, increase in power from 100 watts to 250 watts, change frequency from **1420 kc.** to **1390 kc.**; consideration under Rule 6 (g).

NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—Construction per-
1420 mit for a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited. Amended: Equipment changes, antenna.

W7XBK—Puget Sound Broadcasting Co., Portable.—License to cover construction permit for a new general experimental station on **31100, 34600, 37600, 40600 kc.**, 2 watts.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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DMAA RADIO EXHIBIT

Today the Direct Mail Advertising Association is mailing to members of the NAB a request for specific examples of how direct advertising has been used to assist or tie in with radio advertising.

This request affords a splendid opportunity to get favorable attention for broadcast advertising. The NAB has promised the DMAA fullest cooperation in its efforts to produce an all-media display of advertising. The new travelling exhibit now under construction will be shown first at the Association's Convention in Kansas City, October 16, 17 and 18. Afterwards it is expected that the exhibit will be shown in other important cities throughout the United States, including Chicago, Cincinnati, Detroit, Cleveland, New York, Philadelphia, and Boston.

The Exhibit Design

According to Henry Hoke, Executive Manager, there will be eight 15-foot sections. Each section will be devoted to one major form of advertising plus direct advertising. One section will be devoted to radio. Describing the exhibit further, Mr. Hoke says: "In the center of each division we shall have a large 'spectacular' which will symbolize or dramatize the advantages of that particular form of advertising. At the left of the spectacular we shall summarize or chart the high spots of that form. On the left shelf sections we want to show all available and reliable sources of information about the form of advertising being displayed, such as circulation studies, coverage, classes, habits, customs, etc. On the right of the spectacular we shall show the possible direct advertising tie-ups. On the right shelf sections, we want to show ten or twelve definite reports of actual tie-up cases, such as 'How Blank Manufacturing Company ties in direct advertising with its newspaper campaign,' or 'How the radio program of Blank Company is preceded and followed by direct advertising.'"

Broadcasters are requested to send brief case histories on this subject direct to Direct Mail Advertising Association, Inc., Hotel Pennsylvania, New York, N. Y.

UNITED PUBLISHING COMPANY MUSIC

Members recently have received notice from the United Publishing Company of 619 Broadway, New York City, that any future performance or use of their copyrighted musical selections will constitute an infringement and that the company will take any and all necessary steps to enjoin and hold the station responsible therefor.

A letter of inquiry directed to the United Publishing Company by the Managing Director developed the information that United has concluded an arrangement with the Associated Music Publishers to control the performing rights in the United Catalogue.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

Complaints of unfair competition have been issued by the Federal Trade Commission against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2542. Robert C. Hoffman, tr/as York Bar Bell Co., Strength and Health Publishing Co., and York Athletic Supply Co., York, Pa. The complaint alleges misrepresentation in advertisements of benefits to be gained from bar bell exercises.

No. 2543. C. E. and L. L. Sissel, 4322 East 3d St., Los Angeles. The complaint alleges misrepresentation in advertisements of the rust-resisting and vermin-proof capabilities of vaults.

No. 2530. Cap Association of the United States, Inc., and the Uniform Cap Manufacturers Institute, Inc., New York City. The complaints allege violation of the Federal Trade Commission Act in exacting and procuring pledges and other promises from members and from manufacturers of vizors and trimmings with respect to prices.

Stipulations

No. 0891. Typists Association, of Chicago. Under the stipulation, the respondent agrees to stop advertising that users of its "Manual for Typists" may earn any definite amount of money for any definite period, or that the pay for typing manuscripts is sure or that it comes in advance.

No. 0890. Kuhn Remedy Company, Chicago, Ill. Under the terms of the stipulation, the respondent will cease asserting that "Kuhn's Rheumatic Fever Remedy" is either a competent remedy or an effective treatment for various forms of rheumatism, or that it works "the necessary changes in the blood," or drives out all poison.

Dismissals

Complaint No. 2405 against the **Rodgers Distilleries Co., Chicago, Ill.,** alleging unfair competition in the use of the word "Distilleries" in its trade name, has been dismissed following a supplemental investigation showing that the respondent no longer uses in interstate commerce the trade name "Rodgers Distilleries Co."

Complaint No. 2351 against the **Times Sales Co., Chicago, Ill.,** alleging unfair representation in the sale of an encyclopedia, has been dismissed following the taking of testimony and consideration of the record.

KGGC STATUS QUO RECOMMENDED

Examiner Melvin H. Dahlberg, in his report submitted this week relative to the application of Robert J. Craig, d/b as The Golden Gate Broadcasting Co. (KGGC) for full time on 1420 kc., 100 watts, recommended that the application be denied. The examiner found no need for the additional service.

NEW SAN DIEGO STATION RECOMMENDED

Examiner P. W. Seward, in his report submitted this week relative to the application of the Pacific Acceptance Corporation, San Diego, California, for construction permit for a new station to operate on 1200 kc., 100 watts, daytime, recommended that the application be granted. The examiner found that a need for the proposed service exists, and that the granting of the application would be in the public interest.

NEW OKLAHOMA STATION RECOMMENDED

John P. Bramhall, Examiner, in his report on the hearing of the application of the Oklahoma Press Publishing Company, Muskogee, Oklahoma, for a construction permit for a new station to operate on 1500 kc., unlimited time, with 100 watts power, recommends granting of the application. In his report, issued during the current week, the examiner finds that the application may be granted within the purview of section 307 (b) of the Communications Act.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted C. P. to install a 250-watt auxiliary transmitter.

NEW—Roy L. Albertson, Buffalo, N. Y.—The Commission, upon its own motion, reconsidered and granted C. P., heretofore set for hearing, for a new station to operate on **1370 kc.**, 100 watts night, 250 watts day, share WSVS.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P. in hearing docket amended, and granted authority to move transmitter locally, install new equipment, and increase daytime power to 250 watts.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted modification of C. P. to make changes in equipment.

WMFR—Hart & Nelson, High Point, N C.—Granted modification of C. P. to move transmitter and studio locally, make changes in equipment, and extend commencement date to 30 days after grant and completion date to 160 days thereafter.

WDAE—Tampa Times Company, Tampa, Fla.—Granted extension of special experimental authority for the period October 1, 1935, to April 1, 1936, to operate with additional 2½ KW power daytime.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted license to cover C. P. as modified authorizing move of station locally, installing new equipment, and increasing power to 5 KW. Also granted authority to determine operating power by direct measurement of antenna input; and granted C. P. to move present licensed main transmitter to York Township, Illinois; also granted license to use present transmitter as auxiliary.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license for auxiliary transmitter to operate on **920 kc.**, 250 watts.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special experimental authority to operate on frequency **1290 kc.**, with 1 KW night-time power and 2½ KW daytime, to end not later than November 1, 1935.

WMT—Waterloo Broadcasting Co., Marion Township, Iowa.—Granted extension of special authority heretofore granted to operate with additional power of 500 watts night, 1½ KW day, for period ending March 1, 1936.

WTCN—Minn. Broadcasting Corp., Rose Township, Minn.—Granted authority to determine license power by direct measurement of antenna input.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted consent to transfer control of Pensacola Broadcasting Co., licensee of Station WCOA, from John C. Pace, Burgess Pace, and Beecher Hayford, to The News Journal Co., publishers of the Pensacola Journal and the Pensacola News.

NEW—General Electric Co., Portable-Mobile (Schenectady, N. Y.), (2 applications).—Granted C. P. for new general experimental station, broadcast pickup, frequencies **31100, 34600, 37600** and **40600 kc.**, 2 watts.

NEW—WDSU, Inc., Portable-Mobile (New Orleans).—Granted C. P. for new broadcast pickup station to operate in the temporary service, frequencies **1646, 2090, 2190, 2830 kc.**, 3 watts.

SPECIAL AUTHORIZATIONS

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to operate station with only one tower with power of 250 watts night and 5 KW daytime, pending construction of north radiator, but for a period not to exceed 30 days.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted special temporary authority to operate a 50-watt portable transmitter on **560 kc.** between hours of 1 and 6 a. m., MST, to conduct field strength measurements in vicinity of Denver, but for a period not to exceed 2 weeks.

National Broadcasting Co., Inc., on regularly licensed aircraft.—Granted special temporary authority to operate a special temporary broadcast pickup station located on a Transcontinental & Webster Air, Inc., aircraft, which also carries aircraft station KHGDT, for period of 30 days beginning September 1, 1935; frequencies **2760, 4797.5, 6425, 8655, 12862.5 kc.**, 100 watts.

WOED—General Tire & Rubber Co., Akron, Ohio, aboard company airplane NC-539-M.—Granted modification of special temporary authority to operate on frequency **2830 kc.** instead of **31100 kc.**, previously assigned, for one day, September 7.

WABI—Community Broadcasting Service, Bangor, Me.—Granted special temporary authority to operate a low-power test transmitter on **1200 kc.** between 2 and 6 p. m., EST, in vicinity of Bangor, for period September 9 to 14, 1935, in order to make field strength measurement tests; maximum power 25 watts.

SET FOR HEARING

NEW—Dean R. Richardson, Watertown, N. Y.—Application for C. P. for new station, **1340 kc.**, 250 watts, unlimited time.

NEW—Steel City Broadcasting Co., Pittsburgh, Pa.—Application for C. P. for new station, **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—J. R. Maddox and J. Richards, d/b as Tuscaloosa Broadcasting Co., Tuscaloosa, Ala.—Application for C. P. for new station, **1370 kc.**, 100 watts, daytime only

NEW—Hunt Broadcasting Assn., Greenville, Tex.—Application for C. P. for new station, **1310 kc.**, 50 watts, daytime.

NEW—A. W. Patterson, Chattanooga, Tenn.—Application for C. P., already in hearing docket, amended so as to read: Change transmitter location from Hotel Road House, 9th and Broad St., to Rossville Blvd., near Foust St.; make changes in equipment; change frequency from **1200 kc.** to **1420 kc.;** change power from 100 watts night and day to 100 watts day; change hours of operation from unlimited to daytime only.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Application for C. P. to install new equipment (transmitter), increase day power from 100 to 250 watts, move transmitter to site to be determined subject to Commission's approval.

NEW—Farmers Educational & Cooperative Union of America, Bismarck, N. Dak.—Application for C. P., facilities of KFYR, **550 kc.**, 1 KW night, 5 KW day; transmitter and studio location to be determined subject to Commission's approval.

NEW—James H. Braffett, Price, Utah.—Application for C. P. for new station, transmitter and studio site to be determined subject to Commission's approval; **1420 kc.**, 100 watts, unlimited time.

NEW—Royal Miller, Sacramento, Calif.—Application for C. P. for new station, transmitter site to be determined subject to Commission's approval; **1210 kc.**, 100 watts, daytime only.

NEW—Ralph E. Smith, San Diego, Calif.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

NEW—C. W. Snider, Wichita Falls, Tex.—Application for C. P. for new station, **1500 kc.**, 100 watts, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for C. P. to install new equipment; move studio and transmitter from Wichita Falls to Fort Worth, transmitter site to be determined. (Present assignment: **570 kc.**, 250 watts night, 1 KW day, unlimited time.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Authority to transfer control of the Wichita Falls Broadcasting Co., licensee of station KGKO, to Amon G. Carter. (Station license expires March 1, 1936.)

NEW—Whittle Furniture Co., Inc., Brunswick, Ga.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—C. P., already in hearing docket, amended so as to change frequency from **1370 kc.** to **1200 kc.**

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Application for modification of license to change hours of operation from daytime to S. H. 6 a. m. to 9 p. m., EST.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Application for modification of license to change frequency from **920 kc.** to **760 kc.**, facilities of KXA; to be heard by the Broadcast Division December 12, 1935.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFKU, Lawrence, Kans.; KHSL, Chico, Calif.; KOL, Seattle, Wash.; KPAC, Port Arthur, Tex.; KRGV, Weslaco, Tex.; KRSC, Seattle, Wash.; KTW, Seattle, Wash.; KUOA, Fayetteville, Ark.; KVOR, Colorado Springs, Colo.; KWLC, Decorah, Iowa; WAVE, Louisville, Ky.; WBRC, Birmingham, Ala.; WCAM, Camden, N. J.; WCAP, Asbury Park, N. J.; WCSH, Portland, Me.; WDAE, Tampa, Fla.; WDBJ, Roanoke, Va.; WDEL, Wilmington, Del.; WDOD, Chattanooga, Tenn.; WDSU, New Orleans; WFBR, Baltimore; WHA, Madison, Wis.; WHIO, Dayton, Ohio; WJAS, Pittsburgh, Pa.; WKAQ, San Juan, Puerto Rico; WLB, Minneapolis, Minn.; WNAC, Boston, Mass.; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WNOX, Knoxville, Tenn.; WORC, Worcester, Mass.; WRC and auxiliary, Washington, D. C.; WREN, Lawrence, Kans.; WRR, Dallas, Tex.; WTAW, College Station, Tex.; WTOC, Savannah, Ga.; WXYZ, Detroit, Mich.

ACTION ON EXAMINER'S REPORT

WIND—Ex. Rep. No. 1-67: Johnson-Kennedy Radio Corp., Gary, Ind.—Granted C. P. to make changes in equipment and increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS; **560 kc.**, unlimited time. Examiner Melvin Dahlberg sustained. Order effective October 22, 1935.

ACTION ON CASE HEARD BY BROADCAST DIVISION

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Denied renewal of license to operate on **550 kc.**, 1 KW night, 5 KW LS, unlimited time. Order effective October 29, 1935.

ORAL ARGUMENTS GRANTED

Oral arguments were granted, to be heard December 13, 1935, in re Ex. Rep. No. 1-86, Wm. A. Schall, Omaha, Nebr.; Ex. Rep. No. 1-87, W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.; and Ex. Rep. No. 1-88, Howitt-Wood Radio Co., Inc., Binghamton, N. Y.

APPLICATIONS DENIED

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Application for C. P., heretofore set for hearing, was denied as in case of default, for failure to file an appearance in accordance with Rule 48 (c).

NEW—R. J. Nasser, Sacramento, Calif.—Application for C. P., **850 kc.**, 250 watts daytime, heretofore set for hearing, was denied as in cases of default, for failure to file an appearance in accordance with Rule 48 (c).

MISCELLANEOUS

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—Denied motion to strike the "request for oral argument and exceptions to Ex. Rept. No. 1-78." This report deals with application of Head of the Lakes Broadcasting Co. for new station to operate on **1370 kc.**, 100 watts, unlimited time.

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Granted permission to withdraw and dismiss the exceptions to Ex. Rept. No. 1-64, and also to waive oral argument heretofore requested and granted.

NEW—Jackson D. Magenau, Erie, Pa.—Dismissed, at request of applicant, application for new station at Erie, Pa., to be operated on **1370 kc.**, 100 watts, full time. This case was heard by Examiner Hill and covered by Ex. Rept. No. 1-51. In view thereof, the application was dismissed with prejudice.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Application for renewal of license reopened for further hearing before an Examiner at Columbus, Ga.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Denied motion asking Commission to reconsider and grant application for increase in power from 250 to 500 watts night and from 500 watts to 1 KW day. Hearing set for September 17, 1935.

APPLICATIONS RECEIVED

First Zone

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Modi-
900 fication of construction permit B1-P-427 to erect a new
station to be operated on **900 kc.**, 500 watts, daytime, re-
questing changes in equipment and approval of transmitter
site on Gas House Pike, 1¼ miles from center of Frederick
business district, Maryland.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of
900 construction permit (B1-P-80 authorizing erection of a new
station on **900 kc.**, 500 watts, daytime operation) requesting
extension of completion date from 9-28-35 to 10-28-35.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.
1240 —Construction permit to make changes in equipment (an-
tenna) and move transmitter from 7th floor Telephone Bldg.,
33 Tetuan St., San Juan., Puerto Rico, to Island of Puerto
Rico, San Juan District.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Special ex-
1260 perimental authorization to operate on **1260 kc.**, 1 KW, day-
time to local sunset at Dayton, Ohio, from 9-1-35 to 4-1-36.

WCAP—Radio Industries Broadcast Company, Asbury Park, N. J.
1280 —Modification of license to increase power from 500 watts
to 1 KW.

WNBC—William J. Sanders, New Britain, Conn.—Voluntary as-
1380 signment of license from William J. Sanders to State Broad-
casting Corporation.

W2XDV—Atlantic Broadcasting Corp., New York, N. Y.—To change particulars of operation of a general experimental station. (To operate transmitter from remote control point.)

WOEG—General Electric Co., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 100 watts. Amended to delete request for facsimile test transmission.

NEW—National Broadcasting Co., Inc., Washington, D. C.—License to cover above. Amended to delete request for facsimile test transmission.

Second Zone

NEW—Wilbur M. Havens, Chas. H. Woodward, Calomb B. Jones,
880 Wilfred H. Wood, d/b as Petersburg Broadcasting Co.,
Petersburg, Va.—Construction permit for a new radio broad-
cast station to be operated on **880 kc.**, 500 watts, daytime
only. Requests facilities of WPHR.

NEW—Clyde E. Britton, Lima, Ohio.—Construction permit for a
950 new broadcast station to be operated on **950 kc.**, 250 watts,
daytime.

WFBE—Radio Station WFBE, Inc., Cincinnati, Ohio.—Voluntary
1200 assignment of license from Radio Station WFBE, Inc. (Geo.
M. Schott, Pres.), to Continental Radio Co.

NEW—C. A. Rowley, Ashtabula, Ohio.—Construction permit for a
1200 new broadcast station to be operated on **1200 kc.**, 100 watts,
daytime. (Consideration under 307 (b)).

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—
1240 Authority to install automatic frequency control.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.
1270 —Authority to install automatic frequency control.

NEW—The Times Dispatch Publishing Co., Inc., Richmond, Va.—
1500 Construction permit for a new broadcast station on **1500 kc.**,
100 watts, unlimited.

Third Zone

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to
1310 cover construction permit (B3-P-163) as modified to install
new equipment, increase power.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Con-
1370 struction permit to install new equipment; change hours of
operation from specified hours to unlimited; move transmitter
from Hattiesburg Hotel, Mobile and Pine Sts., to corner 7th
St. West and North 25th Ave., Hattiesburg, Miss. Amended
to make changes in antenna.

NEW—Clarence Scharbauer, Midland, Tex.—Construction permit
1420 for a new station to be operated on **1200 kc.**, 100 watts, day-
time. Amended to change frequency from **1200 kc.** to **1420
kc.**

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—Construction permit
1420 for a new broadcast station to be operated on **1420 kc.**, 100
watts, daytime. Amended to change frequency from **1420
kc.** to **1200 kc.**

NEW—J. P. Roberts, Gastonia, N. C.—Construction permit for a
1420 new broadcast station to operate on **1420 kc.**, 100 watts, un-
limited time.

WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Construction per-
1450 mit to move transmitter and studio from 133 Washington
St., Athens, Ga., to site to be determined, Atlanta, Ga.

NEW—Jesse H. Jay, Miami Beach, Fla.—Construction permit for
1500 a new station to operate on **1500 kc.**, 100 watts, unlimited
time.

NEW—WPTF Radio Company, Portable-Mobile.—Construction permit for general experimental station for **31100, 34600, 37600, 40600, 86000-400000 kc.**, 15 watts.

Fourth Zone

KSD—The Pulitzer Publishing Company, St. Louis, Mo.—Modification
550 of construction permit (4-P-B-3285) for increase in power and changes in equipment, requesting further changes in equipment and extension of commencement date from 2-7-35 to date of approval and completion date from 10-7-35 to 120 days thereafter.

KSAC—Kansas State College of Agriculture and Applied Science,
580 Manhattan, Kans.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW day and night.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—
1210 License to cover construction permit (B4-P-29) as modified for new station on **1210 kc.**, 100 watts power, unlimited time.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—
1310 Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WOC—Palmer School of Chiropractic, Davenport, Iowa.—Voluntary
1370 assignment of license from Palmer School of Chiropractic to Tri-City Broadcasting Co.

WKBI—WKBI, Inc., Cicero, Ill.—Modification of license to increase
1420 day power from 100 watts to 250 watts. (To be considered with and contingent upon granting of WHFC's application B-4-P-300.)

WEHS—WEHS, Inc., Cicero, Ill.—Modification of license to increase
1420 day power from 100 watts to 250 watts. (To be considered with and contingent upon WHFC's application, B4-P-300, and that effective date, if granted, be same as the date the license to cover construction permit is granted.)

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—
1430 Modification of license to change hours of operation from daytime to specified hours. Amended to change hours of operation from 6 a. m. to 6 p. m., MST, to 7 a. m. to 7 p. m., CST, requesting 1 KW night power.

W9XHB—Anderson Broadcasting Corp., Portable-Mobile.—License to cover construction permit for a new general experimental station.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Modification of construction permit for a new station on **1310 kc.**, 100 watts, daytime, requesting changes in equipment.

Fifth Zone

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co.,
610 Juneau, Alaska.—Modification of license to change name from Edwin A. Kraft, d/b as Northwest Radio Advertising Co. to Edwin A. Kraft.

KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—
620 Construction permit to install new equipment.

KPCB—Queen City Broadcasting Company, Seattle, Wash.—Modification
710 of special experimental authorization to increase power from 250 watts to 500 watts on **710 kc.**

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension
1240 of special experimental authorization to operate with 1 KW (night) for period from 10-1-35 to 4-1-36.

NEW—Howard N. Mitchell, Sacramento, Calif.—Construction permit
1310 for new station to operate on **1310 kc.**, 100 watts, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—Voluntary assignment
1310 of license from Carl E. Haymond to Valley Broadcasters, Inc.

KIUP—C. Guy Shepard, Durango, Colo.—Modification of construction
1370 permit (B5-P-337) for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time, requesting equipment changes (antenna and automatic frequency control) and move of transmitter and studio from 140 W. 25th St., Durango, Colo., to 2800 N. Main St., Durango, Colo.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Construction
1400 permit to make changes in equipment, increase power from 500 watts to 1 KW, and move transmitter from R. 4, Riverdale Road, approximately 4 miles southwest of Ogden, Utah, to Lakeside, Utah, on Lakeside Road, 2¼ miles southwest of Kayesville, Utah. Amended: Transmitter site to be determined.

KFBK—James McClatchy Co., Sacramento, Calif.—Modification
1490 of construction permit authorizing changes in equipment, change in frequency, increase in power, and move of transmitter, requesting approval of transmitter site at West Sacramento Reclamation District 900, California; make equipment changes and antenna changes, and extend commencement and completion dates. Amended to omit request for changes in antenna.

Standard Radio, Inc., Hollywood, Calif.—Authority to transmit electrical transcriptions over stations CFCN, Calgary, Alberta, Canada, and XEAW, Reynosa, Mexico.

KNEF—Radio Service Corp. of Utah, Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new broadcast pickup station to be operated on **1646, 2090, 2190, 2830 kc.**, 100 watts.

NEW—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000, 400000, 401000 kc.**, 100 watts.

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new broadcast pickup station to be operated on **1646, 2090, 2190, 2830 kc.**, 100 watts.

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600, 86000, 400000, 401000 kc. and above**, 100 watts.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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KAY HEADS PROGRAM AWARDS COMMITTEE

Leo Fitzpatrick, NAB President, on September 12, appointed the following committee to serve cooperatively with the RMA Committee on the Radio Industry Foundation for Program Awards:

Chairman: Lambdin Kay, WSB.

Members: M. H. Aylesworth, President, NBC; Burridge D. Butler, WLS; Leo Fitzpatrick, WJR; William S. Paley, President, CBS.

RATE CARDS AND PER INQUIRY ACCOUNTS

In response to the item carried in NAB Reports, page 956, concerning percentage and per inquiry accounts, we have this suggestion from a member:

"Look in *Radio Advertising* under WOL and you will find that for three or four years past we have inserted in our copy, 'Requests for confidential prices, commission schemes or cut rates will not be replied to.'

"Why don't you suggest that the stations put this in their copy, also on their rate card, and they won't be pestered?"

This suggestion merits your consideration.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The FTC has issued a complaint against the following respondents, who will have an opportunity to appear at hearings to show cause why cease and desist orders should not be issued:

Nos. 2545 and 2546. Porterfield Candy Co., Sherman, Tex., and Philip Wong, 126 Prospect Street, Cambridge, Mass. Promoting the sale of candy in the retail trade by use of push cards, the Porterfield Candy Co. is alleged to have placed in the hands of others the means of conducting lotteries. Wong is charged with misrepresenting his product, called "Soft Corn Valuable," by advertising that it will cure soft corns, skin diseases, goitre, cancer, tumors, rheumatism and other diseases, when, according to the complaint, it will not do so.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

United-Farr Fastener Corporation, Cambridge, Mass. (2-1629, Form A-2)

Montana Silver Queen Mining Company, Spokane, Wash. (2-1631, Form A-1)

Trans-State Oil Company, Houston, Tex. (2-1632, Form A-1)

The Pennsylvania Bridge Company, New York City. (2-1633, Form A-1)

Railway & Light Securities Company, New York City. (2-1634, Form A-2)

E. J. Coolahan et al., New York City. (2-1635, Form F-1)

H. L. Green Company, Inc., New York City. (2-1637, Form A-1)

Foremost Dairies, Inc., Jacksonville, Fla. (2-1638, Form A-1)

RECOMMENDS ADDITIONAL POWER FOR WSAR

Broadcasting Station WSAR, Fall River, Mass., applied to the Federal Communications Commission for a power increase, for both day and night, from 250 to 1,000 watts. The station operates unlimited time on 1450 kilocycles.

Examiner Melvin H. Dalberg recommends in Report No. I-106 that the application be granted. The Examiner states that granting the application would expand the service of the station, that there appears to be public demand for this increase, and that it would not cause serious interference with other stations "should the proposed antenna plans be worked out by proper construction changes in equipment which are the subject of this application."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 23, 1935

KWKC—Wilson Duncan, tr/as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Renewal of license, **1370 kc.**, 100 watts, specified hours.

NEW—Mid-Central Broadcasting Co., Kansas City, Mo.—C. P., **1370 kc.**, 100 watts, unlimited time.

Tuesday, September 24, 1935

NEW—Chicago Broadcasting Assn. (Ltd. partnership), Kleofas Jurgelonis, Joseph F. Budrik, Laurent V. Radkins, and Vladas G. Jurgelonis, Chicago, Ill.—C. P., **1500 kc.**, 100 watts, unlimited time.

Wednesday, September 25, 1935

NEW—Clinton Broadcasting Corp., Clinton, S. C.—C. P., **1380 kc.**, 500 watts, daytime.

WRMD—Monocacy Broadcasting Co., Rockville, Md.—C. P., **1140 kc.**, 250 watts, daytime.

Thursday, September 26, 1935

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Atlanta, Ga.—C. P., **1210 kc.**, 100 watts, daytime.

NEW—E. F. Sapp and S. F. Sapp, tr/as Waycross Broadcasting Co., Waycross, Ga.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—W. T. Knight, Jr., Savannah, Ga.—C. P., **1200 kc.**, 100 watts, unlimited time.

WDAE—Tampa Times Co., Tampa, Fla.—C. P., **1220 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **1220 kc.**, 1 KW, S.A. for 2½ KW LS, unlimited time.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—C. P., **1210 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. to extend completion date to December 10, 1935.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted extension of special experimental authority to operate on **780 kc.** from September 28 for 90 days.

WCOP—Joseph M. Kirby, Boston, Mass.—Granted license to cover C. P. for new station to operate on **1120 kc.**, 500 watts, daytime hours.

WSPD—The Toledo Broadcasting Co., Toledo, Ohio.—Granted license to cover C. P. for increase in daytime power to 2½ KW, and installation of new equipment; **1340 kc.,** 1 KW night, unlimited time.

KFBK—James McClatchy Co., Sacramento, Calif.—Granted modification of C. P. approving transmitter site at W. Sacramento Reclamation District No. 900, California; make changes in equipment and extend commencement date to 10 days after grant and completion date to 90 days thereafter.

WREC—WREC, Inc., Memphis, Tenn.—Granted modification of C. P. extending commencement date to October 12, 1935.

WMFI (call letters changed to WELI)—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. to extend completion date to October 28, 1935.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted modification of license to make changes in antenna, increase hours of operation from daytime to unlimited, using 100 watts.

KFKU—The University of Kansas, Lawrence, Kans.—Granted modification of license to use new transmitter of station WREN and increase day power from 1 to 5 KW.

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass. —Granted license to cover C. P. authorizing changes in equipment only.

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted license to cover C. P. authorizing changes in equipment only.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted modification of license to increase hours of operation from sharing with WRBX to unlimited (**1410 kc.,** 250 watts night, 500 watts day).

NEW—Standard Cahill Co., Inc., Portable-Mobile (N. Y.).—Granted C. P. (exp.-gen. exp. service), frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts.

NEW—Wilton E. Hall, Portable-Mobile (Anderson, S. C.).—Granted C. P. (exp. service) to communicate as a broadcast pickup station in temporary service; frequencies **31100, 34600, 37600, 40600 kc.,** 0.5 watt.

NEW—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts, unlimited time.

W9XHA—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted license to cover C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts, unlimited time.

W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of C. P. extending completion date to 3-15-36.

W7XBK—Puget Sound Broadcasting Co., Portable (Tacoma, Wash.).—Granted license to cover C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts, unlimited time.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGGF, Coffeyville, Kans.; KTAT, Fort Worth, Tex.; WCAE and auxiliary, Pittsburgh, Pa.; WCAL, Northfield, Minn.; WIBA, Madison, Wis.; WJDX, Jackson, Miss.

The following stations were granted renewal of licenses for the period ending March 1, 1936:

WLBL, Stevens Point, Wis.; WLBZ, Bangor, Maine; WQAN, Scranton, Pa.

W6XAR—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of special experimental station license for a period of 3 months from September 23, in exact conformity with existing license.

SET FOR HEARING

WJIM—Harold F. Gross, M. Bliss Keeler, and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Application for C. P. to install new equipment; change frequency from **1210 kc.** to **1450 kc.;** increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day.

NEW—John E. Fetzer, Saginaw, Mich. (site to be determined).—Application for C. P. for new station, **800 kc.,** 1 KW daytime.

WSGN—Ormand O. Black and Mary Collett Black, Birmingham, Ala.—Application for C. P. to install new equipment; change frequency from **1310 kc.** to **590 kc.;** increase power from 100 watts night, 250 watts day, to 1 KW night, 1 KW day; move transmitter from 1672 N. 20 Way, Birmingham, to site to be determined.

NEW—Fort Dodge Broadcasting Co., Emmons L. Abeles, Secy., Fort Dodge, Iowa.—Application for C. P., **1210 kc.,** 100 watts, unlimited.

NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy., Wausau, Wis.—Application for C. P., **1310 kc.,** 100 watts, unlimited time; site to be determined.

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Minn.—Application for C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Mason City Broadcast Co., by Emmons L. Abeles, Secy., Mason City, Iowa.—Application for C. P. for new station, **1420 kc.,** 100 watts, unlimited.

NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy., Appleton, Wis.—Application for C. P. for new station, **1500 kc.,** 100 watts, unlimited.

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hastings, Nebr. (site to be determined).—Application for C. P. for new station, **1420 kc.,** 100 watts, unlimited.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clinton, Iowa.—Application for C. P. for new station, **1310 kc.,** 100 watts, unlimited (site to be determined).

NEW—Burlington Broadcasting Co., Emmons L. Abeles, Secy., Burlington, Iowa (site to be determined).—Application for C. P. for new station, **1370 kc.,** 100 watts, unlimited.

NEW—Mankato Broadcasting Co., Emmons L. Abeles, Secy., Mankato, Minn. (site to be determined).—Application for C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Emmons L. Abeles and Robert J. Dean, co-partnership, d/b as W.I.S.E. Broadcasting Co., St. Paul, Minn. (site to be determined).—Application for C. P., **630 kc.,** 250 watts, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy., Grand Island, Nebr. (site to be determined).—Application for C. P. for new station, **1370 kc.,** 100 watts, unlimited.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Application for C. P. to make changes in equipment; increase power from 1 KW day to 1 KW night, 5 KW day.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Application for C. P. to move transmitter from Shawnee to south of present location, about 2 miles, to a site to be determined; make changes in equipment; increase day power from 100 to 250 watts.

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—Application for C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Thames Broadcasting Corp., New London, Conn.—Application for C. P., **1500 kc.,** 100 watts, daytime.

KMO—KMO, Inc., Tacoma, Wash.—Application for modification of license to increase operating power from 250 to 500 watts.

KGCU—Mandan Radio Assn., Inc., Mandan, N. Dak.—Application for renewal of license for period October 1, 1935, to April 1, 1936.

KOB—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Application for renewal of license for period August 1, 1935, to February 1, 1936.

WJAR—The Outlet Co., E. Providence, R. I.—Application for modification of C. P. to increase power to 1 KW night and day; install directional antenna; extend commencement date to 30 days after grant and completion date to 180 days thereafter.

NEW—A. L. Chilton, Dallas, Tex.—Application for C. P., **990 kc.,** 1 KW, daytime; site to be determined.

ACTION ON EXAMINERS' REPORTS

KFBB—Ex. Rep. No. 1-48: Buttery Broadcast, Inc., Great Falls, Mont.—Denied application for special experimental authority to change frequency from **1280 kc.** to **610 kc.;** 1 KW night, 2½ KW day, unlimited time. Examiner Melvin H. Dalberg sustained. Order effective November 5, 1935.

WNBX—Ex. Rep. No. 1-91: WNBX Broadcasting Corp., Springfield, Vt.—Granted application to change from daytime hours of operation to unlimited on its present frequency, **1260 kc.**, with same power, 1 KW, sustaining Examiner Melvin H. Dalberg. Order effective October 29, 1935.

MISCELLANEOUS

WBNX—Standard Cahill Co., New York City.—Denied request for special temporary authority to operate with 500 watts daytime pending final action on application requesting increase in power to 1 KW.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.; WSMK—WSMK, Inc., Dayton, Ohio.—Denied request for special temporary experimental authority for stations KQV and WSMK to operate simultaneously from 6:45 p. m. to 12 midnight, EST, for period September 17 to September 30, 1935.

NEW—David Parmer, Columbus, Ga.—Dismissed with prejudice application for station to use facilities of WRBL. Motion to withdraw application not made until hearing before Examiner.

NEW—Ex. Rep. No. 1-105: Bamberger Broadcasting Service, Newark, N. J.—Granted permission to withdraw without prejudice application for permit to erect an experimental relay broadcast station.

WNEL—Juan Piza, San Juan, P. R.—Granted permission to take depositions in re application of Ralph Perez Perry for C. P. to erect station at Santurca, P. R., to operate on **1340 kc.**, 250 watts.

KFRU—KFRU, Inc., Columbia, Mo.—Granted renewal of license, frequency **630 kc.**, 500 watts night, 1 KW day.

NEW—The Star-Chronicle Publishing Co., St. Louis, Mo.—Granted C. P. (exp. gen. exp. service), frequencies **31600, 35600, 38600** and **41000 kc.**, 100 watts.

KIUP—C. Guy Shepard, Durango, Colo.—Granted modification of C. P. for changes in equipment and to move transmitter locally.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Set for hearing application for renewal of license, **1260 kc.**, 1 KW night, 2½ KW day, unlimited time; also application for consent to voluntary assignment of license from Mona Motor Oil Co. to Central States Broadcasting Co.

KFRU—KFRU, Inc., Columbia, Mo.—Set for hearing application for authority to transfer control of corporation. Transfer of control of KFRU, Inc., licensee of station KFRU, from Nelson R. Darragh to Luther L. Hill.

APPLICATIONS RECEIVED

First Zone

NEW—The Press Co., Inc., Publishers of The Knickerbocker Press
1210 and Albany Evening News, Schenectady, N. Y.—Construction permit for new broadcast station to be operated on **1210 kc.**, 100 watts power, daytime.

W10XF—National Broadcasting Co., Inc., Portable and Mobile.—Special authorization to operate general experimental station as a special experimental station on **6350 kc.** during stratosphere balloon flight.

W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of license to change special experimental station from "fixed" to "portable" location.

W3XL—National Broadcasting Co., Bound Brook, N. J.—Special authorization to operate with special experimental station W10XFH during stratosphere balloon flight, for 60 days beginning 9-20-35.

W3XAL—National Broadcasting Company, Bound Brook, N. J.—Special authorization to operate with special experimental station W10XFH during stratosphere balloon flight, for 60 days beginning 9-20-35.

NEW—Oliver C. Harriman and Ralph Clark, New York, N. Y.—Construction permit for new visual broadcast station for **42000-56000, 60000-86000 kc.**, 2 watts.

NEW—Oliver C. Harriman and Ralph Clark, New York, N. Y.—Construction permit for new special experimental station for **42000-56000, 60000-86000 kc.**, 1 KW.

Second Zone

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg,
550 Va.—Transfer of control of corporation from Marion K. Gilliam to Ralph C. Powell, 22 shares of common stock.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Exten-
610 sion of special experimental authorization to operate with 500 watts additional power for period of 6 months.

WKAR—Michigan State College, East Lansing, Mich.—License to
1040 cover B2-P-431, construction permit for changes in equipment.

WJW—WJW, Inc., Akron, Ohio.—License to cover construction
1210 permit (B2-P-40) for new equipment and increase in power.

NEW—Continental Radio Co., Toledo, Ohio.—Construction per-
1210 mit for new broadcast station to be operated on **1210 kc.**, 100 watts, 250 watts day, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Con-
1230 struction permit to install new equipment—directional antenna; change frequency from **1310 kc.** to **1230 kc.**; increase power from 100 watts to 500 watts; and share WHAT to unlimited time. Amended to change power from 500 watts to 250 watts night, 500 watts day, and make changes in antenna system.

NEW—A. W. Hayes, Erie, Pa.—Construction permit for new
1270 broadcast station to be operated on **1270 kc.**, 500 watts, 1 KW day, unlimited time. Amended re equipment, directional antenna for night only.

NEW—Continental Radio Co., Columbus, Ohio.—Construction
1310 permit for new broadcast station to be operated on **1310 kc.**, 100 watts power, unlimited.

Third Zone

KPRC—Houston Printing Co., Houston, Tex.—Construction per-
920 mit to make changes in equipment, increase day power from 2½ KW to 5 KW, move transmitter from Sugarland (18 miles from Houston) to Deepwater, Texas.

WGCM—WGCM, Inc., Mississippi City, Miss.—Authority to trans-
1210 fer control of corporation from Grace Jones Stewart to Sam Gates, 280 shares of common stock.

KFRO—Voice of Longview, Longview, Tex.—Special experimental
1210 authorization to operate on **1210 kc.**, unlimited time, for period to 1-1-36. Requests facilities of KWEA.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modifi-
1300 cation of construction permit (B3-P-220) as modified for approval of transmitter site at Piedmont Highway, U. S. 29, Greenville, S. C., and extend commencement date 30 days after grant and completion date 180 days thereafter.

KGFG—Oklahoma Broadcasting Co., Oklahoma City, Okla.—
1370 Modification of license to change hours of operation from shares with KCRC to unlimited. Amended to omit request for facilities of KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—
1370 Authority to transfer control of corporation from R. S. James, Elizabeth E. Hibbert and Mrs. Marcia A. Shaffer to Hale V. Davis, 133 1/3 shares of common stock.

KNOW—KUT Broadcasting Co., Austin, Tex.—License to cover
1500 B3-P-656 permit to move transmitter, and equipment changes.

Fourth Zone

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—License
670 to cover construction permit (4-P-B-2876) as modified to install new equipment, increase power, and move transmitter.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Construc-
930 tion permit to move transmitter from Elm and Lowell Sts., Shenandoah, Iowa, to 1¼ miles Shenandoah, Iowa, and make changes in equipment (antenna).

NEW—O. S. Cleveland and E. H. Carter, d/b as The Voice of
1200 Black Hills, Rapid City, S. Dak.—Construction permit for new broadcast station on **1200 kc.**, 100 watts power, specified hours (unlimited with exception of 1 hour used daily by WCAT). Amended re equipment.

NEW—George B. Bairey, Valley City, N. Dak.—Construction per-
1310 mit for new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time.

KGDY—The Voice of South Dakota, Huron, S. Dak.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power.
1340

W9XF—National Broadcasting Co., near Downer's Grove, Ill.—Special authorization to operate with special experimental station W10XFH during stratosphere balloon flight for 60-day period beginning 9-20-35.

Fifth Zone

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license to change frequency from **950 kc.** to **630 kc.**, hours of operation from daytime to unlimited, using 250 watts power.
630

NEW—Symons Investment Co., Seattle, Wash.—Construction permit for a new station to be operated on **760 kc.**, 250 watts night, 500 watts day, limited time. Requests facilities of KXA.
760

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of license to change from daytime hours of operation to unlimited time, using 250 watts power.
1200

NEW—Donald Oliver Carruth, Tillamook, Ore.—Construction permit to erect new station to be operated on **1500 kc.**, 100 watts power, daytime.
1500

NEW—Henry William Turkel, Los Angeles, Calif.—Construction permit for a new relay broadcast station to be operated on **6040 kc.**, 1 KW.
6040

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★ Vol. 3 - - No. 45
SEPT. 26, 1935

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NAB TO ASSIST IN DEFENSE OF WDAS

A Bill in Equity has been filed in the local court in Philadelphia by Fred Waring against WDAS Broadcasting Station, Inc., praying that the station be restrained from the use for broadcasting purposes of any record made and created by Waring.

Because of the importance of the matter to a great number of members the NAB has offered to assist the attorneys for WDAS in the defense of the suit.

The text of the Bill follows:

FRED WARING
VS.
W.D.A.S. BROADCASTING STATION, INC.
C. P. No. 4
JUNE TERM, 1935
No. 9053

Bill in Equity

To the Honorable the Judges of the said Court:

Your orator, Fred Waring, brings this, his Bill of Complaint, against W. D. A. S. Broadcasting Station, Inc., defendant, and thereupon complains and says:

1. That your orator is an Orchestra Conductor and substantially the sole and exclusive owner and conductor of the orchestra known as "WARING'S PENNSYLVANIANS."

2. That your orator is and has been for a long time past a unique and individual artist and performer in his field as an orchestra conductor, and interpretive musical artist and has an established reputation, both national and international as such.

3. That your orator's interpretive performances are entirely unique and individual to himself and are generally so recognized by the public and that they are specifically recognizable as his own personal and individual interpretations and are, therefore, unique.

4. That your orator's orchestra, "WARING'S PENNSYLVANIANS" is a recognized unique body of musicians who, by reason of your orator's individual and unique talent and interpretation, perform musical works in such a manner as to make them recognizable by the general public, and have established for said "WARING'S PENNSYLVANIANS" both a national and international reputation.

5. That your orator and his orchestra has been in the past and is presently engaged for his exclusive services in and about broadcasting a weekly program, by a well known manufacturer at a very substantial fee.

6. The defendant, a Delaware corporation, owns a radio station and is engaged in operating the same for profit. That in the course of its business it features phonograph records to entertain the general public, and same are used both for sustaining and commercial programs.

7. That at divers and various times and more specifically on the 2nd day of July, 1935 between the hours of 2:00 p. m. and 4 p. m. the said defendant has played, did play and give renditions of Victor phonograph records of your orator, entitled "I'm Young and Healthy," Victor Record #24214-A and "You're Getting To Be a Habit With Me," Victor Record #24214-B, as part of the defendant's regular broadcasting program, known as the "Merry-Go-Round Programme."

8. That the said record when sold by the RCA Victor Company, and as played by the said defendant, contained a notice to the effect that same could not be used for radio broadcasting purposes, and that the same was used without the consent of the complainant and without an accounting to him for the use of same.

9. That the said phonograph records above referred to are such individual interpretations of your orator and he, therefore, has a common law right of property in and to his individual interpretation on such records.

10. That your orator has never granted permission to the said defendant to broadcast the said records for commercial purposes nor has the said defendant ever accounted to your orator for the use of such records.

NOTES FOR THE SALES STAFF

August radio advertising trends hold out more promise of increased sales opportunities to broadcasters than have those of any recent month. (See Highlights of the Month, page 696).

Radio advertising in August declined less than half the usual seasonal amount as compared with July.

One portion of the medium, national non-network advertising, raised its August volume above that of the previous month. This is probably the first time that the usual seasonal trend has been completely reversed.

August gains over the corresponding months of 1934 and 1933 were the greatest of any month of the current year.

Advertising volume for the first eight months of this year was practically equal to the estimated total volume of the medium for the entire year of 1933, the depression year of radio.

With August national non-network business more than double that of last year, and with this increase taking place mainly on clear channel and regional stations, it would seem as if advertisers are attempting to secure the command of preferred time in anticipation of growing radio advertising activity this winter.

The marked growth of transcription business and even more of live talent volume, and the decided lag of announcements in the national field should indicate that programs can be sold, and that one need not be satisfied with announcement selling. Lagging local studio program volume should be a challenge. It is orthodox advertising forecasting to expect the local advertiser to follow the national lead wherever he can. (See Non-network Advertising by Type of Rendition, page 970).

Automotive, clothing, food, soap and kitchen supplies, tobacco and housefurnishing advertising have shown the greatest development, and probably will remain among the leading sales opportunities for some time. (See Sponsor Trends, page 970). The retail field also continues strong.

11. That the use by the defendant for broadcasting purposes of the said records is a serious menace to the business, interests, rights, contractual engagements and income of your orator.

12. That to permit the defendant to continue the illegal use for broadcasting purposes of your orator's broadcasts will seriously injure the contractual rights and property rights of your orator as a unique and individual interpreter of music, and will cause other irreparable damage to your orator's property rights.

WHEREFORE, your orator prays:—

1. That the defendant be restrained, temporarily until hearing and permanently thereafter, from the use for broadcasting purposes of any record made and created by your orator.

2. That the defendant be further restrained, temporarily until hearing and permanently thereafter, from the use of any phonograph record made and created by your orator, for commercial purposes.

SPEISER & SPEISER,
(Sgd.) Maurice J. Speiser,
Attorneys for Complainant.

STATE OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss:

FRED WARING, being duly sworn according to law, deposes and says that he is the complainant named in the foregoing Bill in Equity, and that the facts set forth therein are true to the best of his knowledge, information and belief.

(Sgd.) Fred Waring.

Sworn to and subscribed before me this 7th day of August, A. D. 1935.

(Sgd.) David Balaity,
Notary Public.

My commission expires March 10, 1931.
(seal.)

REQUESTS FOR MUSICAL SELECTIONS

Station managers are advised to exercise great caution in complying with requests for the performance of a given musical selection. Care should be exercised to determine whether the station is licensed to perform such selection; otherwise compliance with such requests may furnish a basis for a suit for infringement.

BUICK TRANSCRIPTION ANNOUNCEMENT REQUIRED

Chairman E. O. Sykes of the Broadcast Division of the Federal Communications Commission, in replying to a request from the Managing Director of the NAB for information as to whether a fifteen second electrical transcription program such as that used by Buick must be announced as such, has given the following advice:

"Rule 176 requires that a mechanical reproduction shall be announced as such immediately preceding the use thereof unless its use is merely incidental as is the case when such electrically transcribed material constitutes an identification of a program or is used for background purposes. If in fact the proposed electrically transcribed material is not merely incidental to the main program it must be announced in conformity with the rule."

The announcement for which information was requested follows:

"Horn: (Sound of automobile horn).

"Flash! Here's the big automobile news for 1936—Buick's the buy!

"Horn: (Sound of automobile horn)."

The request for information was made at the instance of several members.

BROADCAST ADVERTISING DURING AUGUST

Highlights of the Month

Broadcast advertising during August showed less than the usual seasonal decline, while national non-network volume actually rose during the month. Gross time sales of the medium amounted to $5,637,490 and were 3.5% below the level of the preceding month. National non-network advertising experienced a gain of 3.8% as compared to July.

August broadcast advertising was 48.6% greater than during the corresponding month of 1934, and 52.5% above the August 1933 level. This is the greatest gain over the corresponding period of previous years to be recorded since the establishment of the trade statistics. National non-network advertising showed the greatest gain, exceeding the August 1934 level by 128.2%.

Total non-network advertising rose 1.3% as compared to July, the heaviest gains being made in clear channel field. Local station volume declined slightly but remained materially above the previous year's level.

Rising volume of non-network advertising in the Middle West was the factor principally responsible for the upward trend in this field. Non-network volume in this section increased 19.0% as compared to July.

In the national non-network field, transcription and live talent volume remained materially ahead of the corresponding period of 1934, while transcriptions and announcements showed the greatest strength in the local field.

National network soap and kitchen supply advertising, local clothing volume, national non-network automotive, food, and tobacco advertising showed the greatest gains as compared to the preceding month.

Gains over the corresponding period of 1934 were fairly general. National network automotive advertising rose 33.5%. National non-network volume in this field increased from $20,400 in August of last year to $192,190. Network household equipment advertising rose more than threefold, while national non-network drug, food, beverage and household equipment advertising increased materially. Local clothing advertising increased 63.6%.

Retail store advertising of various types increased 1.8% as compared to July and was 55.9% above August 1934. Department store volume remained comparatively unchanged as against the preceding month and was 56.8% greater than during last August.

Total Broadcast Advertising

Broadcast advertising over stations and networks is found in Table I:

TABLE I

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*July*	*August*	*Cumulative Jan.-Aug.*
National networks	$3,175,042	$2,939,097	$32,234,549
Regional networks	92,102	82,993	640,994
National non-network	1,297,065	1,347,440	11,235,558
Local	1,283,795	1,267,960	12,450,365
Total	$5,848,004	$5,637,490	$56,561,466

August volume was 3.5% under the level of the preceding month, as compared to a 10.2% decline during the corresponding period in 1934 and one of 5.9% in 1933. National network advertising decreased 7.4% as against July, regional volume declined slightly, national non-network advertising rose 3.8% and local advertising remained comparatively unchanged.

Comparison with 1933 and 1934

Total broadcast advertising was 48.6% greater during August than during the same month of 1934, and 52.5% above the 1933 level. National network advertising was 30.7% greater than during last August, and 54.2% ahead of the corresponding month of 1933. Regional network advertising was double its 1934 volume and two and one-half times that of 1933. National non-network advertising was 128.2% greater than in August of last year, and exceeded the 1933 level by about the same amount. Local volume exceeded the level of the corresponding priod of 1934 by 22.0%, and the 1933 level by 5.4%.

Comparison with Other Media

Advertising volume in major media for August is presented in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*July*	*August*	*Cumulative Jan.-Aug.*
Radio broadcasting	$5,816,064	$5,637,490	$56,561,466
National magazines [1]	8,086,053	7,378,939	83,419,812
National farm papers	340,300	305,231	3,618,756
Newspapers [2]	36,994,000	37,385,000	328,930,000
Total	$51,236,417	$50,706,660	$472,530,034

[1] National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

[2] Estimated.

Newspaper advertising registered the usual seasonal upswing, slightly exceeding the normal rise at this period of the year. Total newspaper lineage was 2.6% above the August 1934 level. Retail advertising showed a gain of 2.7%, and general advertising one of 5.0%. Automotive advertising declined 18.9% and department store advertising decreased .6% as against the corresponding period of last year.

National magazine volume was 3.1% above August 1934 and 10.0% greater than in 1933. National farm paper advertising was 5.8% greater than during the same month of last year, and 20.0% above the 1933 level.

Non-network Advertising

General non-network advertising rose 1.3% as against July. August volume exceeded that of the same period of last year by 59.6%, and was 50.0% greater than in 1933. Gains during the month were restricted to clear channel and regional stations, local business decreasing 13.0% as against July.

Clear channel and high-powered regional station volume was nearly double its 1934 level and exceeded 1933 business by 10.2%. Regional station non-network advertising was 43.8% ahead of last August and was nearly double its 1933 level. Local station advertising was 22.4% greater than during the same month of 1934 and 78.5% ahead of August 1933. Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*July*	*August*	*Cumulative Jan.-Aug.*
Over 1,000 watts	$1,160,000	$1,201,000	$11,169,965
250-1,000 watts	1,016,860	1,061,900	9,312,815
100 watts	404,000	352,500	3,203,153
Total	$2,580,860	$2,615,400	$23,685,933

Slight declines in non-network volume occurred in all sections except the North Central States, where August advertising exceeded the July level by 19.0%. New England and Middle Atlantic non-network volume was 9.0% greater than during the corresponding month of 1934. Southern and Far Western advertising were nearly double last August, while Mid-western volume was 72.8% greater.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*July*	*August*	*Cumulative Jan.-Aug.*
New England-Middle Atlantic Area	$649,950	$613,800	$6,150,837
South Atlantic-South Central Area	428,580	342,280	3,671,568
North Central Area	926,740	1,103,520	9,005,967
Pacific and Mountain Area	575,590	555,800	4,857,561
Total	$2,580,860	$2,615,400	$23,685,933

Non-network Advertising by Type of Rendition

Gains were experienced in the national non-network field in both transcription and live talent business as compared with the preceding month. Announcement volume, however, dropped 19.9%. Local transcription volume declined 29.2% as against July, and live talent volume 2.7%. Announcement business increased 7.8% and the use of records 16.0%.

Particularly interesting trends are revealed by an examination of types of rendition during the current August and the corresponding month of the two preceding years. In the national field, transcription volume was 165.5% greater than during last August and 137.0% ahead of 1933. National live talent volume exceed August 1934 by 176.0% and August 1933 by 304.7%. National announcement volume was but 3.8% above August 1934, and 2.4% greater than during the corresponding month of 1933.

Local transcription volume exceeded that of August 1934 by 33.7% and was 68.3% greater than in August of the preceding year. Live talent business was 10.2% ahead of last August but 8.1% below August 1933.. Recorded programs accounted for a 50.0% greater volume during the current August than during the same month of last year, and for 24.3% more volume than in 1933. Announcement volume was 28.7% greater than in 1934 and 14.2% ahead of 1933.

Broadcast advertising by types of rendition is presented in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*July*	*August*	*July*	*August*	*July*	*August*	*Jan.-Aug.*
Electrical transcriptions	$439,170	$474,600	$146,090	$103,800	$585,260	$578,400	$4,969,398
Live talent programs	639,705	686,320	610,835	594,400	1,250,540	1,280,720	11,348,505
Records	4,325	6,540	51,355	59,710	55,680	66,250	557,081
Announcements	213,865	179,980	475,515	510,050	689,380	690,030	6,810,949
Total	$1,297,065	$1,347,440	$1,283,795	$1,267,960	$2,580,860	$2,615,400	$23,685,933

Sponsor Trends in August

Gains during the month were relatively localized, some slight seasonal declines occurring throughout the major portion of the field. Amusement advertising increased 32.3%. National network automotive advertising rose 5.5% and national non-network volume increased 15.2%. Local clothing advertising increased 27.8%. National non-network food advertising rose 10.6%. National network soap and kitchen supply advertising gained 15.6%, while national non-network volume in this field rose 56.6%. National non-network tobacco advertising increased 13.0% during the month.

Comparison with Previous Years

August advertising volume in the various fields of sponsorship was generally ahead of that of the corresponding months of 1934 and 1933.

Compared to last August, national network automotive advertising was 33.5%, while national non-network volume rose from $20,400 to $192,190. Local clothing advertising showed an increase of 63.6%. Some gains occurred in national network drug advertising, the principal gain in this field being in national non-network business, which increased 117.2%.

Food advertising experienced a general increase. National network volume rose 41.3%, regional network business tripled and national non-network advertising increased 161.5%. National non-network beverage advertising experienced a gain of nearly 100% while local volume rose 56.1%.

National network household equipment advertising was 318.3% greater than during the same month of last year, and national non-network volume 175.0%. National non-network soap and kitchen supply advertising tripled. Marked gains also occurred in the tobacco field.

A number of interesting trends in the field of sponsorship are revealed by a comparison of the current August with the same month of 1933. National network automotive advertising was 30.0% below the 1933 level, while national non-network volume rose 326.6%. National network and non-network clothing advertising tripled, as did drug and pharmaceutical volume. Generally similar increases were experienced in the national network cosmetic and food fields, and in national non-network food advertising. National non-network cosmetic advertising declined by nearly two-thirds.

National network beverage advertising decreased 17.0% while national non-network volume tripled and local business doubled. National network household and equipment declined somewhat, while marked gains occurred in the general non-network field. Soap and kitchen supply advertising gained materially in the national field. Network financial advertising declined materially. Department store advertising remained comparatively unchanged. National network tobacco advertising reached its 1933 level, while national non-network volume rose from $1,295 in August 1933 to $50,300 during the current August.

Broadcast advertising by various type of industries is found in Table VI.

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(August, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$7,640	$51,620	$59,260
1–2. Automobiles and accessories:					
(1) Automobiles	$138,881	—	192,190	52,650	383,721
(2) Accessories, gas and oils	349,328	$13,349	87,200	65,700	515,577
3. Clothing and apparel	19,432	3,470	22,360	179,200	224,462
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	299,347	3,661	139,350	32,510	474,868
(5) Toilet goods	684,804	—	32,520	18,100	735,424
6–8. Food products:					
(6) Foodstuffs	710,767	20,596	340,150	190,025	1,261,538
(7) Beverages	193,135	820	67,335	89,250	350,540
(8) Confections	27,800	200	11,700	13,485	53,185
9–10. Household goods:					
(9) Household equipment and furnishings	24,910	6,284	55,760	156,330	243,284
(10) Soap and kitchen supplies	154,816	4,941	153,500	6,500	319,757
11. Insurance and financial	26,608	464	26,700	44,840	98,612
12. Radios	42,966	—	10,800	7,750	61,516
13. Retail establishments	—	860	11,620	101,400	113,880
14. Tobacco products	182,944	20,820	50,300	6,450	260,514
15. Miscellaneous	83,359	7,528	138,315	252,150	481,352
Total	$2,939,097	$82,993	$1,347,440	$1,267,960	$5,637,490

Details regarding trends in the various fields of sponsorship are found in the following summaries:

1a. ***Amusements.*** Local up 32.3% as against July. National non-network unchanged. Total volume 18.0% over last August. Local up 11.0%, and national non-network double.

1. ***Automotive.*** National network 5.5% above July and national non-network 15.2%. Local down 29.6%. National network 33.5% ahead of last August, and local 12.7%. National non-network increased from $20,400 last year to $192,190 this August.

2. ***Gasoline and accessories.*** National network volume down 11.2%, and local 7.1%. Regional volume unchanged compared previous month. National non-network business up 27.1%. Compared to August 1934, national network business up 26.4%, regional networks 18.0%, national non-network advertising 9.0%, and local 10.8%.

3. ***Clothing.*** Local volume up 27.8% compared to July, and national network business up 26.6%. Regional volume down 24.4% and national non-network 30.0%. Local business 63.6% over last August, regional network volume tripled, and national non-network business up 10.0%. National network business down 24.0%.

4. ***Drugs and pharmaceuticals.*** Compared to preceding month, national network business down 14.6%, regional networks 28.0%, national non-network 6.0%, and local 41.6%. National network business 34.8% above last August, regional volume double, and national non-network advertising up 117.2%. Local down 27.2%.

5. ***Toilet goods.*** National network volume down 12.0% during month, with other items unchanged. National network advertising 14.0% greater than in August 1934, and local up 20.0%. National non-network business unchanged.

6. ***Foodstuffs.*** National network down 6.0%, regional networks 10.0%, and local 8.7%. National non-network up 10.6%. Compared to corresponding month of last year, national networks up 41.3%, national non-network 161.5%, local 28.6%, and regional network volume tripled.

7. ***Beverages.*** National and regional network volume unchanged from July. National non-network volume down 9.0% and local down 10.0%. National non-network advertising double last August, and local up 56.1%. National network volume down 19.1% and regional network business down materially.

8. ***Confectionery.*** National network volume 10.0% under July level. National non-network and local advertising down materially. Compared to August 1934, national network volume up 75.0%, national non-network volume doubled, and local advertising approximately tripled.

9. ***Household equipment.*** National non-network volume double July figures, with remainder of medium unchanged. National network advertising 318.3% above August of last year, regional network volume up materially, national non-network business 175.0% greater, and local advertising up 38.1%.

10. ***Soaps and kitchen supplies.*** National network business up 15.6% as against preceding month. Regional networks down 6.0% and national non-network 4.6%. Local up somewhat. National network business 38.4% greater than during the corresponding month of 1934, national non-network advertising tripled, regional networks up materially, and local volume unchanged.

11. ***Insurance and financial.*** National networks 10.0% under July, local unchanged, and national non-network up 47.4%. National network volume 33.3% under last August, regional volume down somewhat, national non-network business up 182.0%, and local up 74.0%.

12. ***Radios.*** National network volume 44.0% below preceding month, local down 40.0%, and national non-network up materially. National network business 8.0% greater than same month of 1934, local volume double, and national non-network down 35.0%.

13. *Department and general stores.* National non-network business triple preceding month's volume and local down 10.0%. Total unchanged. National business triple August 1934, and local up 45.4%. Total volume up 56.8%.

14. *Tobacco products.* National network volume unchanged as against July. Regional networks down 10.0% and national non-network up 13.0%. National network volume five times that of last August. Regional business grown from nothing to $20,820. National non-network business up 162.5%.

15. *Miscellaneous.* National and regional network business up approximately 50.0%. National non-network volume down 19.4%, and local 8.0% as compared to July. National network advertising 72.8% greater than same month of last year, national non-network business up 55.7%, and local up 17.7%. Regional business down materially.

Retail Broadcast Advertising

Advertising by retail establishments of various types increased 1.8% during August as compared with the preceding month. Retail store volume was 55.9% greater than during the corresponding month of 1934.

Furniture and clothing store business experienced the greatest increases as compared to the preceding month while retail automotive advertising dropped off materially.

Marked gains, however, were shown in a variety of fields when August volume was compared with that of the corresponding period of 1934. Automotive advertising gained 30.1%, accessory and gasoline retail advertising 50.0%, clothing and apparel volume 66.3%, grocery store business 40.0%, housefurnishing retailers 76.6% and furniture stores 62.8%.

Retail broadcast advertising during August is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

	1935 Gross Time Sales	
Type of Sponsoring Business	*July*	*August*
Automobiles and accessories:		
Automobile agencies and used car dealers	$91,275	$49,980
Gasoline stations, garages, etc.	48,570	45,860
Clothing and apparel shops	134,460	183,320
Drugs and toilet goods:		
Drug stores	10,910	17,090
Beauty parlors	8,240	7,270
Food products:		
Grocery stores, meat markets, etc.	29,410	42,115
Restaurants and eating places	22,428	21,283
Beverage retailers	2,550	1,700
Confectionery stores	2,300	474
Household goods:		
Household equipment dealers	54,700	53,000
Furniture stores	74,800	88,810
Hardware stores	15,235	13,600
Radio retailers	13,328	9,310
Department and general stores	115,740	113,880
Tobacco shops	290	175
Miscellaneous	69,170	58,350
Total	$693,416	$706,217

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued.

No. 2547. Brooks Rupture Appliance Co., Marshall, Mich. According to the complaint, the respondent's appliance is a truss, the representations in its advertising are not true, the Brooks appliance will not relieve all types of rupture and has assisted in relieving or curing only a small percentage of cases of reducible hernia. Hearing October 18.

Nos. 2548 and 2549. Consolidated Portrait & Frame Co., Ben Dial and Paul Broyle, trading as Deluxe Art Studio, and Daniel F. and Charles C. Orange, Chicago, Illinois. Among unfair practices alleged are the selling of portraits by representing the actual value and usual prices as much greater than they are. The complaint also alleges fraudulent inducement of customers to sign a contract upon false representation that the contract is merely a receipt for the small photographs from which enlargements are to be "painted," when in fact the document is a binding contract.

No. 2550. Mutual Stores, Inc., Washington, D. C. The complaint alleges unauthorized use of the names "Army" and "Navy" in selling merchandise.

Stipulations

No. 0899. Coffield Protector Co., Dayton, Ohio. Under the terms of the stipulation, the respondent agrees to discontinue misrepresentations in advertising as to the power and efficiency of a graphited motor lubricant (Graf-Ex).

No. 1444. Planters Edible Oil Co., New York City and Suffolk, Va., and National Food Bureau, Inc., New York City (an advertising agency). The respondents agree to abandon the following representations: Using the phrase "Ali D'Italia Olio" as a name for its product, unless it is clearly explained that the word "Olio" as used in such advertisements means peanut oil; use of Italian pictures or references to designate a domestic product; allegation that its peanut oil has been specially commended by the U. S. Department of Agriculture, and that the caloric value of peanut oil is greater than that of cottonseed oil or corn oil.

Nos. 1445-1448, inc. Universal Merchandise Co., Carson Pirie, Scott & Co., Frankish Brothers Chemical Works of Indiana, and Wilson Drug Co., Chicago, Illinois. Under the stipulations these companies agree, in the sale of rubbing alcohol compounds, to stop using on labels the phrase, "Alcohol I. P. No. 70," so as to tend to deceive buyers into believing that the product referred to contains 70% of ethyl alcohol or that its base is ethyl alcohol, when this is not true.

No. 1449. Willow Shirt and Underwear Corporation, New Haven, Conn. The respondent agrees to cease and desist, in the sale of its shirts, from using labels so worded as to tend to confuse buyers into believing that its shirts have all been tested and certified to by the United States Testing Co., Inc., when only a portion have been so tested.

No. 1450. Kraft Paper Mills, Inc., New York City. The respondent agrees to cease and desist from using the word "Mills" in its trade name or in other ways which may have a tendency to deceive buyers into believing that the corporation owns, operates and controls a mill or factory wherein the products which it sells and distributes are made, when this is not true.

No. 1451. Worthall, Limited, New York City. The respondent, selling at wholesale a line of perfumes, toilet soaps, powders and cosmetics manufactured in New York City under the trade name of "Drury Lane" and labeled "English Lavender," will discontinue using names which indicate manufacture in or importation from London or England or from Montreal, Canada, or that tend to deceive buyers into believing that the corporation is an English corporation engaged in the importation and sale of English manufactured products, when this is not true.

No. 1452. William Gordon, tr/as Masterlite Manufacturing Co., also known as Masterlite Company, New York City. The respondent, a dealer in electric light bulbs, stipulates that he will abandon the marking of bulbs with a "cold" or "dry" etching or by use of ink which is not permanent and liable to disappear, or in any way which will make it difficult or impossible for purchasers to determine the wattage of such bulbs.

No. 1453. J. C. Welch, tr/as Welch Nursery, Shenandoah, Iowa. The respondent agrees to cease and desist from using the word "wholesale" alone or in conjunction with other words to describe his catalogue so as to imply that the prices listed are wholesale prices, when this is not true.

No. 1454. Animal Trap Company of America, Lititz, Pa. The respondent agrees to cease and desist from using in advertisements assertions to the effect that its product eliminates the possibility of "wring-offs" or that it gets every muskrat that springs the trap or eliminated 99 per cent of the "wring-offs," when this is not true.

NEW SCHEDULE FOR WWV

The National Bureau of Standards, Department of Commerce, provides a standard frequency service which is broadcast by radio. Beginning October 1, 1935, this service will be given on three days each week, from the Bureau's station WWV, Beltsville, Md., near Washington, D. C.

The object of these radio emissions is to provide a standard for scientific or other measurements requiring an accurate radio or audio frequency or time rate. They are likewise useful to radio transmitting stations for adjusting their transmitters to exact frequency, and to the public generally for calibrating frequency standards, it was stated.

On each Tuesday and Friday the emissions will be continuous unmodulated waves (CW); and on each Wednesday they will be modulated by an audio frequency. The audio frequency will be in general 1,000 cycles per second. (There will be no emissions on legal holidays.)

On all emissions three radio carrier frequencies will be transmitted as follows: noon to 1 p. m., Eastern Standard Time, 15,000 kc/s (kilocycles per second); 1:15 to 2:15 p. m., 10,000 kc/s; 2:30 to 3:30 p. m., 5,000 kc/s.

The emissions on 5,000 kc/s will be found particularly useful at distances within a few hundred miles from Washington, those on 10,000 kc/s will be useful for the rest of the United States and those on 15,000 kc/s will be useful in the western half of the United States and to some extent in other parts of the world.

During the first five minutes of the one-hour emission on each carrier frequency, announcements will be given. For the CW emissions, the announcements will be made by telegraphic keying and will consist of the station call letters (WWV) and a statement of the frequency; this announcement will be repeated every ten minutes.. For the modulated emissions, the announcements will be given only at the beginning of the hour; they will be given by voice and will include the station call letters and a statement of the carrier frequency and the audio modulation frequency.

Except during the announcements, the CW emissions will consist of continuous, unkeyed carrier frequency, giving a continuous beat note in the telephone receiver in heterodyne reception. The radiated power in the CW emissions will be 20 kilowatts.

The modulated emissions, except during the voice announcements at the beginning of the hour, will consist of an uninterrupted audio frequency superposed on the carrier frequency. The radiated power will be only one kilowatt; reception is therefore not as reliable as for the CW emissions of Tuesdays and Fridays; it is hoped to increase the power later. The modulated emissions are somewhat experimental, and for this reason an audio frequency other than 1,000 cycles per second may be used on some occasions. The presence of the audio modulation frequency does not impair the use of the carrier frequency as a standard to the same high accuracy as in the CW emissions.

The accuracy of the frequencies as sent out from the transmitting station will be at all times better than a part in five million. Transmission effects in the medium (Doppler effect, fading, etc.) at times may result in slight fluctuations in the frequency as received at a particular place. However, these will practically never impair the reception of the carrier frequency to the accuracy stated. Under some conditions, momentary fluctuations as great as 1 cycle per second may occur in the modulation frequency. It will generally be found possible, however, to use the modulation frequency with an accuracy better than a part in a million by selecting that one of the three carrier frequencies which has the least fading. The use of automatic volume control on the audio frequency will be found helpful.

Information on how to receive and utilize the standard frequency service is given in a pamphlet obtainable on request addressed to the National Bureau of Standards, Washington, D. C. From any single frequency, using harmonic methods, any frequency may be checked.

The Bureau welcomes reports of use and comments upon the standard frequency service. As the modulated emissions will be somewhat experimental it is particularly desired that users report to the Bureau their experience in using them, including: description of method of use; statement of relative fading, intensity, etc., on the three carrier frequencies; and preference as to audio frequency to be furnished. Correspondence should be addressed National Bureau of Standards, Washington, D. C.

RECOMMENDS WLBC AND WTRC CHANGES

Station WLBC, Muncie, Ind., and WTRC, Elkhart, Ind., both applied to the Federal Communications Commission to increase their power from 50 to 100 watts at night and from 100 and 250 watts day, without change in frequency or hours of operation.

Examiner Ralph L. Walker in Report No. I-107 has recommended that the application of WLBC be granted for increased day power but that the increased night power be denied. The Examiner also recommended that the application of WTRC be granted for daytime increase but that the nighttime power increase be denied.

The Examiner found that increasing the daytime power would not cause objectionable interference with other stations but that a night time power increase would cause interferences with existing stations.

INCREASED POWER RECOMMENDED FOR KYA

Broadcasting Station KYA, San Francisco, operating on a frequency of 1230 kilocycles applied to the Federal Communications Commission for a daytime power increase of from 1,000 to 5,000 watts. The station operates unlimited time.

Examiner Melvin H. Dalberg in Report No. I-110 recommended to the Commission that the application be granted "provided the applicant install an antenna system which complies with the recommendations of the Engineering Division or in lieu thereof, demonstrates by adequate measurements that the present antenna system has an efficiency which is acceptable to the Commission." The Examiner states that no objectionable interference will result if the proposed power increase is granted.

RECOMMENDS WWJ AND WAAF CHANGES

Applications were filed with the Federal Communications Commission by Station WWJ, Detroit, Mich., asking authority to increase its power from 1,000 watts to 1,000 watts night and 5,000 watts to local sunset and by Station WAAF, Chicago, to increase its power from 500 watts daytime to 500 watts night time and 1,000 watts day.

Examiner George H. Hill in Report No. I-109 recommends that the Commission reaffirm its former decision granting the application of WWJ and that the application of WAAF be granted in part by authorizing its daytime power to be increased from 500 to 1,000 watts but that its application as to nighttime be denied. The Examiner states that "no evidence was offered in support of that part of the application of Station WAAF for nighttime hours of operation." He found that the granting of the suggested power increases would not cause any interference to either of the service areas or to any other existing service.

RECOMMENDS NEW MINNESOTA STATION

Robert K. Herbst applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Moorhead, Minn., to use 1,310 kilocycles, 100 watts power and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-108 has recommended that the application be granted "if and when Station KGFK is permitted to move from Moorhead, Minn., to Duluth, Minn.; otherwise that said application be denied."

The Examiner found that if Station KGFK is permitted to move from Moorhead that there will be a need in that area for additional service.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Committee for S. F. Bowser & Co., Fort Wayne, Ind. (2-1639, Form D-1)
Oregon Terminals, Inc., Portland, Ore. (2-1640, Form E-1)
Jay Bowerman, Portland, Ore. (2-1641, Form F-1)
Mueller Brass Company, Port Huron, Mich. (2-1642, Form A-1)
Eberhardt & Company, Wilmington, Del. (2-1643, Form C-1)
Nugold Mining Corporation, Ltd., Toronto, Canada. (2-1644, Form A-1)
Missouri Telephone Company, Columbia, Mo. (2-1645, Form A-1)
Corporate Investors, Ltd., Toronto, Canada. (2-1646, Form A-2)
Worcester Gas Light Co., Worcester, Mass. (2-1647, Form A-2)
Western New York Water Company, Buffalo, N. Y. (2-1648, Form A-2)
Crough-Bolas Aircraft Company, Pawtucket, R. I. (2-1649, Form A-1)
W. S. Drozda Realty Company, St. Louis, Mo. (2-1650, Form D-1A)
Varnell Druit Foods, Inc., Cleveland, Tenn. (2-1651, Form A-1)
Cusi Mexicana Mining Company, Duluth, Minn. (2-1652, Form A-1)
Eastern Racing Association, Inc., Boston, Mass. (2-1653, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Clarence Scharbauer, Midland, Tex.—Granted C. P. for new station to operate on **1420 kc.,** 100 watts, daytime; site to be determined.

KWG—Portable Wireless Tel. Co., Inc., Stockton, Calif.—Granted C. P. to install new equipment.

KNEL—G. L. Burns, Brady, Tex.—Granted modification of C. P approving transmitter and studio sites and antenna system; extend commencement date to 10 days after grant and completion date to 180 days thereafter.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted modification of C. P. to make changes in equipment.

KPRC—Houston Printing Co., Houston, Tex.—Granted modification of license to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of present license for period of 60 days; **1290 kc.,** 500 watts, unlimited time.

KYA—Pacific Broadcasting Corp., San Francisco, Calif.—Granted extension of license for period of 60 days; **1230 kc., 1 KW,** unlimited.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of license for period of 60 days; **610 kc.,** 500 watts, unlimited.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted extension of license for period of 60 days; **930 kc., 1 KW,** unlimited.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted modification of C. P. to make changes in equipment.

WKAR—Michigan State College, East Lansing, Mich.—Granted license to cover C. P. authorizing changes in antenna system; **1040 kc.,** 1 KW, day, S.H.

KNOW—KUT Broadcasting Co., Austin, Tex.—Granted license to cover C. P. authorizing change in transmitter site and in equipment; **1500 kc.,** 100 watts, unlimited.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted license to cover C. P. authorizing new station at Hibbing, to operate on **1210 kc.,** 100 watts, unlimited time.

WFBE—Radio Station WFBE, Inc., Geo. M. Schott, Pres., Cincinnati, Ohio.—Granted voluntary assignment of license from Radio Station WFBE, Inc., to Continental Radio Co.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted authority to operate from 8:15 to 12 midnight on night of September 24, to broadcast prize fight.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted extension of present license for period of 60 days; **1280 kc.,** 1 KW night, 2½ KW day, unlimited time.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted renewal of license for the period ending January 1, 1936; **1500 kc.,** 100 watts night, 250 watts day, unlimited.

KFIO—Spokane Broadcasting Co., Spokane, Wash.—Granted extension of present license for period of 60 days; **1120 kc.,** 100 watts, daytime.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted extension of present license for period of 60 days; **1290 kc.,** 1 KW, unlimited.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted extension of present license for period of 60 days; **780 kc.,** 500 watts night, 1 KW day, S.H.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted renewal of license for the period ending February 1, 1936; **770 kc.,** 5 KW.

KOIN—KOIN, Inc., Portland, Ore.—Granted extension of present license for period of 60 days; **940 kc.,** 1 KW night, 5 KW day, unlimited.

KQW—Pacific Agricultural Foundation, San Jose, Calif.—Granted extension of present license for period of 60 days; **1010 kc.,** 1 KW, unlimited.

KLPM—John B. Cooley, Minot, N. Dak.—Granted extension of present license for period of 60 days; **1240 kc.,** 250 watts.

KCMC—North Miss. Broadcasting Corp., Texarkana, Ark.—Granted extension of present license for period of 60 days; **1420 kc.,** 100 watts, unlimited.

KPRC—Houston Printing Co., Houston, Tex.—Granted C. P. to make changes in equipment, increase day power to 5 KW, and move transmitter to Deepwater, Tex.; **920 kc.,** 1 KW night, unlimited.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of C. P. to change type of equipment.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted authority to extend special authorization to operate with additional power of 750 watts at night for period beginning October 1, 1935, for 30 days.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Granted renewal of license for the regular period; **1420 kc.,** 100 watts, unlimited time.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted renewal of license for the regular period; **1120 kc.,** 250 watts night, 1 KW day, unlimited.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted extension of present license for period of 60 days; **1280 kc.,** 500 watts, shares WCAM and WCAP.

KTEI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted 30-day extension of special experimental authority to operate with power of 1 KW night. Also granted extension of present license for a period of 30 days.

KUMA—Albert S. Schermann, Flagstaff, Ariz.—Granted 60-day extension of present license; **1420 kc.,** 100 watts, S.H.

NEW—Southwest Broadcasting Co., Mobile (Fort Worth, Tex.).—Granted C. P. for temporary broadcast pickup service; frequencies **1646, 2090, 2190, 2830 kc.,** 75 watts.

NEW—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—Granted C. P. for temporary broadcast pickup service; frequencies **1646, 2090, 2190, 2830 kc.,** 100 watts.

NEW—WPTF Radio Co., Portable-Mobile (Raleigh, N. C.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600, 86000-400000 kc.,** 15 watts, unlimited.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Granted C. P. and license for new general experimental broadcast pickup station; frequencies **31100, 34600, 37600** and **40600 kc.,** 100 watts.

W9XHJ—The Pulitzer Publishing Co., Portable-Mobile, St. Louis, Mo.—Granted license to cover C. P. for general experimental broadcast pickup station; **31100, 34600, 37600, 40600, 86000-400000 kc.,** 5 watts.

W9XHB—Anderson Broadcasting Corp., Portable-Mobile, Anderson, Ind.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies **31100, 34600, 37600** and **40600 kc.,** 7 watts.

WIEW—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted modification of license to cover C. P. authorizing change in transmitter and increase in power to 20 watts.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted renewal of license for the regular period; frequency **580 kc.,** 1 KW night, 5 KW day, shares with KSAC.

W3XAL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special authorization for period of 60 days to communicate with special experimental station W10XFH (stratosphere balloon) as broadcast pickup station; **6100** and **17780 kc.,** 35 KW, unlimited time.

W9XF—National Broadcasting Co., Inc., Downer's Grove, Ill.—Granted special authorization for period of 60 days to communicate with special experimental station W10XFH (stratosphere balloon) as broadcast pickup station; **6100** and **17780 kc.,** 10 KW., unlimited time.

W10XF—National Broadcasting Co., Portable-Mobile, Rapid City, S. Dak.—Granted special experimental authority for period of 60 days to communicate with station W10XFH (stratosphere balloon) and experimental stations W9XF, W3XL and W3XAL for contact control service; frequency **6350 kc.,** 350 watts power.

W3XL—National Broadcasting Co, Inc., Bound Brook, N. J.—Granted 60-day special experimental authority to communicate with station W10XFH (stratosphere balloon) and supervisory ground control station in Rapid City, S. Dak., to provide prompt and adequate contact with balloon by NBC engineers in charge of technical organization of radio facilities as well as direct voice contact between U. S. Army officials and balloon crew during progress flight; frequencies **6425** and **17310 kc.,** 20 KW.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGCA, Decorah, Iowa; KGHL, Billings, Mont.; KLCN, Blytheville, Ark.; KVOA, Tucson, Ariz.; KWSC, Pullman, Wash.; WAAT, Jersey City, N. J.; WDAY, Fargo, N. Dak.; WEBC, Superior, Wis., and auxiliary; WFBM and auxiliary, Indianapolis, Ind.; WHBI and auxiliary, Newark, N. J.; WIS, Columbia, S. C.; WOOD, Grand Rapids, Mich.; WTCN, Minneapolis, Minn.; WIBW, Topeka, Kans.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted renewal of license for the period ending March 1, 1936.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon licensee's pending application for renewal.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon licensee's pending application for renewal.

KMBC—Midland Broadcasting Co., Kansas City, Mo. (auxiliary). —Granted renewal of license on a temporary basis subject to such action as the Commission may take upon licensee's pending application for renewal.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon the application for renewal of license, and upon the application of Harry Prezant.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif. (auxiliary).—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon the application for renewal of license, and upon the application of Harry Prezant.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted renewal of license on a temporary basis subject to whatever action may be taken on application for renewal of this station now pending before it, and upon application of May Seed and Nursery Co. (Station KMA).

KXL—KXL Broadcasters, Portland, Ore.—Present license extended on a temporary basis only to November 1, 1935, subject to such action as may be taken upon renewal application pending before the Commission.

The following stations' licenses were extended on a temporary basis only to November 1, 1935, pending receipt and/or action on renewal applications:

KGGM, Albuquerque, N. Mex.; WASH, Grand Rapids, Mich.; WCAD, Canton, N. Y.; WHN, New York City; WNEW, Newark, N. J.

SPECIAL AUTHORIZATIONS

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted extension of special temporary authority to operate composite temporary transmitter for period September 25 to October 24, 1935. Also to operate a 100-watt portable transmitter on **1410 kc.** in vicinity of Bluefield, during such time as WHIS is not operating, but for a period not to exceed 30 days, provided WHIS remains silent from 3:10 to 4:10 a. m., EST, Wednesday, October 2, 1935.

WLB—University of Minnesota, Minneapolis, Minn., and WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to conduct a joint program between 1:45 to 4:30 p. m., CST, September 28, 1935, October 12, 19, and 26, 1935, using the transmitter of WTCN, in order to broadcast University of Minnesota football games.

WKAR—Michigan State College, E. Lansing, Mich.—Granted special temporary authority to operate from 12:45 to 5 p. m., CST, September 28, in order to broadcast football game.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted extension of special temporary authority to remain silent for the period beginning October 1 and ending in no event later than December 1, 1935.

WABI—Community Broadcasting Service, Bangor, Me.—Granted special temporary authority to operate from 2 to 6 p. m., EDST and EST, as such respectively applies, on September 28, October 5, 12, 19 and 26, 1935, in order to broadcast local high school and college football games.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on **560 kc.**, 1 KW night, for period October 1 to October 31, 1935.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted extension of special temporary authority to continue to operate on frequency of **560 kc.** for period October 1 to December 10, 1935, and pending commencement of program tests of Station WIS on frequency **560 kc.**

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 15 days.

WFAM—The South Bend Tribune, South Bend, Ind.—Granted special temporary authority to operate simultaneously with WWAE from 6 a. m. to local sunset, CST, for period September 24 to October 23, 1935, in order to broadcast special programs.

SET FOR HEARING

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Application for C. P. to make changes in equipment and increase power from 5 to 50 KW.

WAIM—Wilton E. Hall, Anderson, S. C.—Application for C. P. to install new equipment; move transmitter to site to be determined in Anderson; increase power from 100 watts night, 100 watts day, to 250 watts night, 1 KW day; and change frequency from **1200 kc.**, to **590 kc.**

WTFI—Liberty Broadcasting Co., Athens, Ga.—Application for C. P. to move transmitter and studio from Athens, Ga., to a site to be determined in Atlanta, Ga.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Application for C. P. to make changes in equipment; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Application for C. P. to move transmitter from King County, Wash., to site to be determined, Wash.; make changes in equipment; increase day power from 1 KW to 5 KW.

NEW—W. H. Kindig, Hollywood, Calif.—Application for C. P. for new station to operate on **1160 kc.**, 5 KW, unlimited, site to be determined. To be heard by the Broadcast Division.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Application for modification of C. P. to install new equipment, extend commencement date from 2-7-35 to date of approval, and extend completion date from 10-7-35 to 120 days thereafter.

NEW—Wilbur M. Havens, Chas. H. Woodward, Calomb B. Jones, Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Application for C. P. to operate on **880 kc.**, 500 watts, daytime, site to be determined.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Application for renewal of license; temporary license granted pending hearing; **1250 kc.**, 1 KW, unlimited time.

KELW—Evening Herald Publishing Co., Los Angeles, Calif.—Application for renewal of license; **780 kc.**, 500 watts, shares time.

MISCELLANEOUS

WNBC—William J. Sanders, New Britain, Conn.—Denied authority to operate from local sunset to 8 p. m., EST, for the period September 29 to October 28, 1935.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Reconsidered action of July 30, 1935, and granted renewal of license.

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Dismissed application for special authority to operate on **570 kc.**, 500 watts night, 1 KW day.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.; KNX—Western Broadcast Co., Los Angeles, Calif.; WTMJ—The Journal Co., Milwaukee, Wis.—Hearing on renewal of license continued from October 3 to October 14, 1935.

WAIU—Associated Radiocasting Corp., Columbus, Ohio.—Denied petition requesting Commission to reconsider and grant application for renewal of license.

KFUO—Evangelical Lutheran Synod of Missouri, Clayton, Mo.—Denied request to have application to operate broadcasting station at St. Louis, Mo., during day hours on **640 kc.** dismissed without prejudice.

KFRU—KFRU, Inc., Columbia, Mo.—Reconsidered and granted application for transfer of control of KFRU, Inc., from Nelson R. Darragh to Luther L. Hill.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Reconsidered and granted application to transfer control of station to Amon Carter; also application to move station from Wichita Falls to Fort Worth.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Denied petition requesting grant of application, designated for hearing, for authority to move studio locally, install new equipment, and increase day power to 5 KW.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Denied petition requesting grant of application, heretofore designated for hearing, for authority to change equipment and increase day power to 250 watts.

WRMD—The Monocacy Broadcasting Co., Rockville, Md.—Reconsidered action in granting permit to erect and operate broadcasting station on **1140 kc.,** 250 watts, daytime, designated application for hearing on issues to be determined by Law Department, notices of proceedings to be sent to WOL and WCAU in addition to any other parties to be specified by Engineering Department. Proceedings scheduled for September 25 dismissed since WCAU withdrew protest.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Denied petition requesting Commission to grant application for renewal of license, heretofore designated for hearing.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special experimental authority, **1250 kc.,** 250 watts, 500 watts LS. S.H.

NEW—Fred S. Rogers, Glens Falls, N. Y.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—American Broadcasting Co., Pittsburgh, Pa.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—The Life Builders, Dr. Alvin J. Corbell, Founder, Fort Worth, Tex.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—W. T. Knight, Jr., Savannah, Ga.—C. P, **1200 kc.,** 100 watts, unlimited time

APPLICATIONS RECEIVED

First Zone

WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith and Mace,
1290 Saranac Lake, N. Y.—License to cover construction permit (B1-P-200) to install new equipment and increase power.

WCOP—Joseph M. Kirby, Boston, Mass.—Modification of license
1130 to change frequency from **1120 kc.** to **1130 kc.,** hours of operation from daytime to specified hours (daytime and from local sunset to 8 p. m., EST), using 500 watts power.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of construction permit (1-PB-2940) as modified to extend completion date from 10-18-35 to 12-18-35.

NEW—Oliver C. Harriman and Ralph Clark, New York, N. Y.—Construction permit for a new general experimental station on **31600, 35600, 38600, 41000 kc.,** 2 KW.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—License to cover modification of construction permit for change in location.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Construction permit to install an auxiliary transmitter operating on 3 KW. (All other terms of present license same.)

W2XIM—General Electric Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 2 watts.

W2XIL—General Electric Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 2 watts.

Second Zone

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.
610 —Authority to transfer control of corporation from Monroe F. Rubin and Ruth Rubin to U. B. Co., 666 2/3 shares common stock.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.
610 —Construction permit to install new equipment; move studio from 1224 Huron Road, Cleveland, Ohio, to 1311 Terminal Tower, Cleveland, Ohio; and move transmitter from 2016 E. 9th Street, Cleveland, Ohio, to Seven Hills, Ohio.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.
610 —Construction permit to install new equipment; move studio from 1224 Huron Road, Cleveland, Ohio, to 1311 Terminal Tower, Cleveland, Ohio; and move transmitter from 2016 E. 9th Street, Cleveland, Ohio, to Seven Hills Ohio. Amended: Transmitter site to be determined.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modifi-
1290 cation of construction permit (B2-P-148) authorizing changes in equipment and move of transmitter, requesting extension of completion date from 10-19-35 for 90 days.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of
1380 construction permit (B2-P-149) authorizing changes in equipment and move of transmitter, requesting extension of completion date from 10-19-35 for 90 days.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Authority to
1390 transfer control of corporation from The Plain Dealer Publishing Co. to U. B. Co., 1000 shares common stock.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of
1440 license to increase power of auxiliary transmitter from 250 watts to 500 watts.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to
1440 increase power of auxiliary transmitter from 250 watts to 500 watts.

NEW—WCAU Broadcasting Company, Portable-Mobile.—Construction permit for a new general experimental station to operate on **31100, 34600, 37600, 40600 kc.,** 50 watts.

NEW—Scranton Broadcasters, Inc., Portable.—Construction permit for a new general experimental station to operate on **31100, 34600, 37600, 40600, 86000, 400000 kc.,** 100 watts.

Third Zone

WTAW—Agricultural & Mechanical College of Texas, College Sta-
1120 tion, Tex.—Modification of license to make changes in specified hours from: 12:20 to 12:50 p. m. daily, except Sundays; 8 to 9 p. m., Mondays and Fridays; 8:30 to 9:30 a. m., Sundays; to: 11:25 a. m. to 12 noon, daily except Sundays; 8 to 9 p. m., Mondays; 8:30 to 9:30 a. m., Sundays; 4:30 to 5:30 p. m., Fridays.

NEW—Hunt Broadcasting Assn., Fred Horton, Pres., Greenville,
1310 —Tex.—Construction permit for a new station to be operated on **1310 kc.,** 50 watts, daytime. Amended to make changes in equipment.

KELD—T. H. Barton, El Dorado, Ark.—License to cover con-
1370 struction permit (3-P-B-3216) to erect a new station on **1370 kc.,** 100 watts, unlimited time.

NEW—John Perkins Rabb, Lenoir, N. C.—Construction permit for
1370 a new station on **1370 kc.,** 100 watts, daytime.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—
1410 Authority to determine operating power by direct measurement of antenna.

WEED—William Avera Wynne, Rocky Mount, N. C.—Modifica-
1420 tion of license to move studio from 119 N. Washington St., Rocky Mount, N. C., to corner Nashville Highway (Route 64) and Stoney Creek Road, just outside of Rocky Mount city limits.

NEW—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—
1420 License to cover construction permit (B3-P-308) as modified to erect a new station on **1420 kc.,** 100 watts, unlimited time.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Construction permit to make changes in equipment; increase power from 100 watts daytime to 100 watts night, 250 watts day; and change hours of operation from daytime to unlimited.

NEW—Havens & Martin, Inc., Portable-Mobile.—Construction permit for a new general experimental station to operate on **31100, 34600, 37600, 40600 kc.,** 20 watts.

Fourth Zone

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Voluntary as-
660 signment of license from Omaha Grain Exchange to Nebraska Broadcasting Co.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of license
890 to increase night power from 500 watts to 1 KW. Amended to change name from Henry Field Co. to KFNF, Inc.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of license
890 to change hours of operation from ½ time, share-WILL and KUSD to share-KUSD, KFNF 7/8 time, KUSD ⅛ time. Part of facilities of KUSD. Amended to change name from Henry Field Co. to KFNF, Inc.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 Modification of construction permit (B4-P-178) authorizing erection of a new station to be operated on **1310 kc.,** 100 watts, unlimited time, requesting installation of new equipment.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Voluntary assign-
1330 ment of construction permit (B4-P-369) to WHBY. Inc.

NEW—Fred A. Baxter, Superior, Wis.—Construction permit for a
1370 new station to be operated on **1370 kc.,** 100 watts, unlimited time.

WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to
1420 change hours of operation from specified hours to unlimited time.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—
1420 Construction permit to erect a new station on **1420 kc.,** 100 watts, 250 watts local sunset, unlimited time.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modifica-
1430 tion of construction permit (B4-P-611) for approval of transmitter site at north of Des Moines, Iowa, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WKBV—Knox Radio Corporation, Richmond, Ind.—Construction
1500 permit to move transmitter 279 feet, on U. S. Road No. 27, same address, approximately 2 miles north of Richmond, Indiana, on U. S. Road No. 27, and make antenna changes.

WLEZ—The Norfolk Daily News, Portable, Norfolk, Nebr.—Modification of license to include frequencies **1622, 2060, 2790 kc.,** in addition to **2150 kc.**

NEW—WCBD, Inc., Portable-Mobile.—Construction permit for a new general experimental station to operate on **31100, 34600, 37600, 40600 kc.,** 5 watts.

Fifth Zone

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construc-
710 tion permit to make changes in equipment; move transmitter from Northwestern Mutual Ins. Bldg., 217 Pine Street, Seattle, Wash., to 2nd and Union, Seattle, Wash., and studio from Northwestern Mutual Ins. Bldg., 217 Pine Street, Seattle, Wash., to 4th and University, Cobb Bldg., Seattle, Wash.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—License to
880 cover construction permit (B5-P-712) for move of transmitter.

KVL—KVL, Inc., Seattle, Wash.—Construction permit to make
1070 changes in equipment, change frequency from **1370 kc.** to **1070 kc.,** power from 100 watts to 250 watts, hours of operation from share-KRKO to daytime only.

WDZ—James L. Bush, Tuscola, Ill.—Modification of construction
1070 permit (B4-P-8) for approval of antenna and transmitter site at 1½ miles north of Tuscola on U. S. 45 and 1 mile 600 feet, RFD, Tuscola, Ill., and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Modifi-
1120 cation of license to increase power from 500 watts, 1 KW local sunset, to 500 watts, 2½ KW local sunset; and for authority to use new transmitter of KRKD.

NEW—Joseph G. Morrow, Oakland, Calif.—Construction permit
1150 for a new broadcast station to be operated on **1150 kc.,** 250 watts, daytime.

NEW—Struble, Strong & Fagan (Carl C. Struble, Curtis T. Strong,
1200 Jane M. Fagan), The Dalles, Ore.—Construction permit to erect a new station to operate on **1200 kc.,** 100 watts, unlimited time.

NEW—B. A. Thompson, Santa Cruz, Calif.—Construction permit
1210 to erect a new station to operate on **1210 kc.,** 100 watts, 250 watts local sunset, unlimited time.

NEW—Ernest L. Finley, Santa Rosa, Calif.—Construction permit
1310 for a new broadcast station to be operated on **1310 kc.,** 250 watts, daytime.

NEW—Seattle Broadcasting Co., Everett, Wash.—Construction per-
1370 mit for a new broadcast station to be operated on **1370 kc.,** 50 watts, share-KVL. Requests facilities of KRKO.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment
1370 of license from Lee E. Mudgett to Pioneer Broadcasters, Inc.

KORE—Frank L. Hill and C. C. Phillips, d/b as Eugene Broadcast
1420 Station, Eugene, Ore.—Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts.

KIKK—S. H. Patterson, Portable.—License to cover construction permit for a new broadcast pickup station.

NEW—Honolulu Broadcasting Co., Ltd., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 20 watts.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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HEALTH-O-QUALITY PRODUCTS CO.

On receipt of inquiry from member stations, it has been learned that the Federal Trade Commission late in 1934 entered into a stipulation with the Health-O-Quality Products Co., Cincinnati, Ohio. The stipulation, No. 0770, is entitled "Stipulation of Facts with Vendor-Advertiser and Agreement to Cease and Desist—False and Misleading Advertising, Toilet Preparations." Copies may be obtained from the Federal Trade Commission or through NAB headquarters.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. In each case, the respondent will be given an opportunity to appear at a hearing to show cause why a cease and desist order should not be issued.

No. 2551. Chicago Silk Co., Chicago, Ill. The complaint alleges that the company distributes through the mails certain literature, instructions and sales outfits, including paper punch cards and the premiums to be awarded by lot of chance, constituting unfair competition through the use of a lottery. Hearing October 18.

No. 2552. Vernon White & Co., Thayer Sales Corp., Federal Pure Food Co., and T. E. Hanshaw, all of Chicago, Ill. The complaint alleges misrepresentations in the sale of a food product in the promotion of the sale of their product "Yum-Yum." Hearing October 18.

No. 2254. J. C. Hickson & Co., Miami, Florida. The complaint alleges unfair competition in advertising its citrus fruits as "Indian River" fruit, when in fact it was not grown in the Indian River region in Florida. Hearing October 25.

No. 2256. Peters Serum Co., Kansas City, Mo. The complaint alleges improper use of the word "Manufacturer" in its advertising literature. Although the Peters Company manufactures serums and bacterins for inoculation of livestock and poultry against disease, the complaint points out that it also deals in a line of veterinary remedies and preparations purchased from other dealers. Hearing October 25.

No. 2257. Thayer Pharmacal Company and Thayer Sales Corporation, 2944 W. Lake Street, Chicago. The complaint alleges unfair representations in the sale of cosmetics, in that the respondent is alleged to have advertised a massage cream as "Turtle Oil Cream," when in fact turtle oil or oil derived from turtles does not constitute the whole or even a substantial part of the oil content of this cream. Hearing November 1.

Dismissal

No. 2253. G. A. Goebel Company, Inc., Chicago, Ill. The complaint charging unfair representations in the sale of military uniforms and insignia, was dismissed on consideration of the record.

Stipulations

No. 1455. Leading Drug Corporation, of New York City, agrees to cease using advertisements having a tendency to deceive buyers into the belief that the company manufactures or compounds all of the products it sells, or any except those it does actually manufacture or compound.

No. 1456. Sinclair G. Stanley, of Chicago, trading as Z. G. Herbs Company and engaged in preparing a product compounded from herbs and designated "Z. G. Herbs Tea No. 17" or "Z. G. Herbs Tea No. 17, Extra Strong," will abandon the use of advertising matter which tends to deceive purchasers into believing that his product is a remedy or cure or possesses such therapeutic properties or value as to be properly represented or referred to as a competent and adequate treatment for stomach troubles, nervousness, gallstones, or other ailments, when this is not true. The Commission, on August 10, 1935, announced the closing of a formal case against the respondent concerning charges covering the same allegations included in the stipulation because of the fact that Stanley had entered into a stipulation to cease and desist from the practices alleged.

No. 0900. Louis Ball and Mark Burke, of Wilkes-Barre, Pa., trading as Dr. Webber Co., and selling a treatment for obesity, agree to stop representing that the preparation is either safe or absolutely harmless, that it contains no harmful ingredients, and that it is a tonic or produces wonderful or marked tonic effects. This preparation was advertised as having been "tried and tested on both sides of the sea."

No. 0901. The Certified Crystals Sales Co., of Charleston, W. Va., in its stipulation, admits making various representations and asserts that it has definitely discontinued advertising and selling its commodity, but that should it at any time resume such advertising it will follow the rules of the Federal Trade Commission. Particularly, it will not advertise that "Certified Crystals" are a competent or effective treatment for a substantial number of ailments, including rheumatism, neuritis and lumbago.

No. 1457. Herman L. Gold, trading as Kantrun Manufacturing Company, Chicago, Ill., agrees to cease representing in advertisements that the use of his chemical compound for treating silk, chiffon and rayon hosiery, and lingerie, makes possible the prevention of runs, snags and breaks.

No. 1458. Pamies & Sons, Inc., St. Augustine, Fla., according to its stipulation, maintained a cigar factory at Tampa, Fla., prior to 1932, then moved to St. Augustine where it continued to manufacture cigars. The firm, Ricardo & Co., Inc., of St. Augustine, is owned by Pamies & Sons, Inc., and the officers and directors of the two corporations are the same. In their stipulation these respondents agree to cease and desist from using the word "Tampa" on brands or labels affixed to their products or the containers of the products, or in any way that tends to deceive buyers into believing that their cigars are made in Tampa, Fla., or in the territory immediately surrounding known as the "Tampa District," when this is not a fact.

No. 1459. Hibriten Furniture Co., Lenoir, N. C., agrees to stop using the word "walnut," either independently or in connection with other words, in its advertising matter so as to imply that the products so described are derived from the trees of the walnut family, when this is not true.

No. 1460. A. W. Faber, Inc., Newark, N. J., agrees to stop advertising to the effect that it manufactures a certain type of pencil which it says is not true.

No. 1462. E. J. Pritchett, Dallas, Texas, an individual trading as Diamond Specialty Company, engaged in the printing business, including the sale and distribution of calling cards, agrees to cease and desist from using in his advertising matter the word "engraved," either alone or in connection with the word "process," in a manner tending to deceive buyers into the belief that the product he sells is engraved or embossed or is the result of impressions made from inked engraved plates, when this is not true. Pritchett, according to the stipulation, did not use the process known as "engraving" or "embossing."

No. 1463. Michael J. Friedman, Chicago, an individual trading as Crown Spirits Company, and engaged in the bottling, blending and rectifying of wines, liquors and cordials, agrees to stop using the word "manufacturers" on letterheads, invoices and in advertising, or in any way which may deceive buyers into believing that he owns, controls and operates a factory wherein the products he sells are manufactured, when this is not true.

No. 1464. Harry G. Kuechle, Minneapolis, an individual trading as Double-Wear Shoe Company, agrees to abandon the use in his catalogues, order blanks or other literature, of the phrase "From factory to wearer," or any similar phrase which may have a tendency to confuse or deceive purchasers into the belief that Keuchle manufactures the products he sells or owns and operates the factory in which they are made. Kuechle also stipulates that he will stop employing in his advertising a picture of a factory or buildings implying that the products sold by him are made in such factory or buildings, or that they are owned and operated by him. He will cease representations to the effect that his selling method eliminates jobbers' and wholesalers' profits, when this is not true.

No. 1465. S. & M. Cut Rate Stores, Inc., Washington, D. C., will discontinue the listing of its corporate and trade name in the Washington telephone directory under the classified heading of "Army and Navy Goods Business" and from employing the phrase "Army and Navy Goods" in its advertising or in any way which may have a tendency to deceive buyers into the belief that the products which it sells consist in substantial part of Army and Navy surplus products, when this is not true.

No. 1461. Henry R. Simmons and Rutledge Simmons, Jr., New York City, tr/as Henry Ginnel & Co. The respondents agree to stop selling or placing in the hands of others for sale products to which are affixed tags bearing what purport to be retail selling prices but which are exaggerated and fictitious.

No. 1499. Oklahoma Publishing Co., Oklahoma City, has entered into a stipulation with the Federal Trade Commission to cease and desist from entering into special contracts for sale of its advertising space and from giving discounts or rebates to advertisers as a reward for their refusal to buy advertising space from competitors.

Cease and Desist Order

No. 2492. White Cross Laboratories, Inc., Chicago, Ill. According to the consent cease and desist order entered into with the Federal Trade Commission, the respondent agrees to discontinue alleged misrepresentation in the sale of "Turtle Oil" cream.

BROADCASTING PHONOGRAPH RECORDS

An interesting and important decision on the subject of copyright and of broadcasting of sound records was received this week from the Department of State. It is a decision of the Royal Hungarian Supreme Court in the case of Hungarian Radio Company versus Gramophone Company, Limited, of London.

The decision is especially interesting at this time because of the suit recently brought by Fred Waring against Radio Station WDAS, Philadelphia (See NAB Reports, Sept. 26, 1935, p. 968).

The decision in full text follows:

Translation

A final decision in a law suit was given on January 30, 1935, under No. 9.P.41702/934/1, before the Budapest Royal Court, which suit was instituted by the Magyar Telefonhirmondó és Rádió R. T., plaintiff, represented by Dr. Louis Ludinszky, a Budapest attorney, against the Budapest Representative of the Gramophone Co. Ltd., defendant, represented by Dr. Herbert Trebits, a Budapest attorney, concerning the non-existence of author's right. An appeal was filed on March 4, 1935, against the judgment of the Budapest Royal Court on the basis of article 18, Law VIII of 1925, under P.I. 41702/1934/10. A hearing of the case having taken place on May 24, 1935, the Royal Hungarian Supreme Court rendered the following judgment:

The Royal Hungarian Supreme Court dismissed the appeal of the defendant with costs (250 gold pengë).

The reasons are the following:

I. The fact that the plaintiff in a letter dated August 8, 1934, noted from a letter of defendant dated August 2, 1934, that the defendant forbids the use of the records of its factory for radio broadcasting can only be understood to mean that the plaintiff acknowledged the fact that the defendant forbade the use of the records, but it cannot be inferred that the plaintiff acknowledged the protest as justified and binding.

There is therefore no basis for the defendant's claim, submitted also in his appeal, that the plaintiff through an agreement to this effect, obliged himself to acknowledge the protest as justified and binding.

Consequently in the law suit filed on the basis of article 130 of the Code of Civil Procedure the question had to be examined, whether, in consideration of the protection granted to performing artists under the copyright law, the broadcasting of an artist's performance through gramophone records is subject to the permission of the gramophone factory, owing to a transfer of rights of the performing artist.

Therefore, the Court had to ascertain what constitutes the legal status of the performing artist in the use and utilization of his artistic performance.

The performing artist does not create, but only brings before the public an already existing work of art in an artistic performance. The performing artist is therefore not entitled to copyright protection, although an adequate protection of the performance of an artist who shows individual conception and style must undoubtedly be provided.

At a conference held at Rome for the revision of the Bern convention the hope was expressed that the various governments should consider the possibility of establishing rules for the protection of the rights of performing artists, because at this conference the proposition that the copyright of the performing artists be assured, was not adopted, since a majority opposed it on the basis that the performing artist is not considered the author of a "composition."

The defendant is basing his claim, that the performance of an artist recorded for mechanical performance comes also under the provisions established for works (compositions) entitled to copyright, on article 8 of the Copyright Law.

This provision of the Law, however, can not be interpreted as meaning what the defendant claims.

According to article 8 of the Copyright Law, "Translations, adaptations, including adaptation of the performance of an artist for mechanical production (article 6, par. 9.), also re-arrangements (revisions), etc., enjoy the same right as the original works (compositions) without infringement of the rights of the original author."

According to the official explanation of the law by the Cabinet Minister who introduced the bill in Parliament, the artistic adaptation of a composition reflects the adapted work through the personal artistic performance of the artist, by way of gramophones or similar instruments.

The above mentioned article 8 protecting adaptations, revisions, etc., actually refers to the adaptations, revisions, etc., mentioned in article 6, par. 10, and consequently it protects the adapter, revisor, etc., who adds his own creating work to the original by which certain changes are effected in it, whereas, on the other hand, an artistic "adaptation" by somebody who merely performs, reflects the original work in an unchanged form in his performance and hence in no sense does he create a new work, however artistic or individual his performance may be.

Although the ministerial interpretations regarding article 8 acknowledges the performing artist as the author of the artistic adaptation, it is plain that in the sense of the Copyright Law, he can not be considered as the author of the composition.

Though it is true that the provision of article 8 of the Hungarian Copyright Law regarding the performing artist might have been drafted under the influence of the respective provisions of the German and Austrian copyright laws, which consider the activity of the performing artist as completing the performed work, and the artist himself as author of the completion, this fact can not be taken into consideration when interpreting the respective provisions of the Hungarian Copyright Law for the reason that the fiction which considers the result of the performing artist's activity as a work in itself, is steadily losing ground as appears from the draft of the German Copyright Law issued in 1932.

And though the convention of Bern, and subsequently the convention of Rome in article 2, paragraph 2, gives the same right to adaptations as to original compositions, it obviously did not mean the activity of the performing artist also, as otherwise there would not have been submitted to the Rome conference, which led to the conclusion of the convention, a special motion to provide a certain copyright protection for performing artists, and when this motion was overruled, the conference would not have merely expressed the wish that the various governments consider the possibility of making rules by which performing artists may assert their claims.

Therefore the defendant's standpoint, that the Rome convention in paragraph 2 of article 2 also assured to the performing artist the protection extended to the author in article 11/a according to which the author has the exclusive right to permit the performance of his compositions for the general public through the radio, is erroneous. There is a sharp difference between adaptation—i. e., the activity of an author (composer) who creates a work (composition)—mentioned under article 8 of the copyright law and procedure contained in article 6, paragraph 10, on the one hand and the mention in article 8 of "adaptation connected with artistic activity" to which article 8 of the Hungarian Copyright Law also endeavored to assure a certain protection not closely defined. Such protection was permissible within article 8 to adaptations mentioned in article 6, paragraph 10.

Since the extent of this protection can not be ascertained from the Law itself, it is the task of the Court to draw the limits of this protection by interpreting the Law in accordance with present day ideas.

Article 8 protects an artistic performance intended for mechanical representation and refers in this connection to paragraph 9 of article 6 which makes the author's consent a condition of the transmission of his work to instruments of mechanical representation and their stationary or exchangeable parts (records, cylinders, films, etc.).

Such instruments of mechanical representation are the gramophone, the film, but also the radio.

The Royal Supreme Court does not share in this respect the view of the Royal Court of Justice, according to which broadcasting of the work can not be considered a transmission to a mechanical instrument in the sense of paragraph 9 of article 6, since recording of a work by a mechanical instrument is understood by the term "transmission."

The law does not specify that the transmission must be effected through an instrument which records it; such a constriction of the law would not be justified in view of the necessity of the protection of radio broadcasting.

According to the correct interpretation of the provision of the law in question, transmission of the work to any instrument which reproduces it through mechanical means is understood.

The sound waves of speech, song and music before the microphone cause corresponding changes of electrical current in the microphone; these changes, taken up and strengthened by the sender, are broadcast as radio waves into the space by the antenna and, in the receiver, through its own antenna, these electrical waves cause changes of current which bring about adequate sound waves in the ear-apparatus or loudspeaker. The ear apparatus or loudspeaker, therefore, transmit the speech, song or music through a mechanical process, consequently broadcasting of such performance is nothing but transmission in the sense of paragraph 9 of article 6 to an apparatus capable of mechanical reproduction, i. e., performance. Radio broadcasting is therefore not only a transmission but also a reproduction through mechanical means of the sound.

When the Copyright Law was enacted, the legislator drafting article 6, paragraph 9, had in mind the gramophone records and mechanical apparatus then existing (mentioned in article 13, paragraph one, point 1 of the Bern agreement), and he could not have thought of the radio, the importance of which was not known at that time. There is, however, no reason why article 6, paragraph 9, of the Copyright Law should not now be applied also to the radio, since by giving such an interpretation to the above-quoted paragraph the Hungarian authors also enjoy the right of broadcasting their works through the radio to which the authors of foreign works are entitled in our country under articles 4 and 6 of the Rome convention.

This interpretation of article 6, paragraph 9, therefore on the one hand includes the protection granted to the author by article 13, paragraph 1, point 1 of the Rome convention (in which the convention mentions only the gramophone and apparatuses which record the work), and on the other hand also includes the protection which article 11/a of the Rome convention deemed necessary to mention specially. In applying the provisions of the convention within the competence of article 6, paragraph 9, of the Copyright Law, the cases mentioned in article 13, paragraph 1, point 1, must therefore be separated from those mentioned in article 11/a.

With regard to the above, and according to a correct interpretation of the provision of article 8 which considers the performing artist's work for mechanical production entitled to the same protection as the original work, the performing artist has the exclusive right to permit that the reproduction of his artistic performance by gramophone, film or similar apparatus, be duplicated and be brought into circulation, and that it be *directly* transmitted to the public—for instance from a concert hall, where the artist is performing in person—through the radio or the telephone news service. The permission to transmit the performance of an artist by gramophone records (films) is considered to include the permission of multiplication, publication and circulation of the transmission, unless the contrary follow from the particular circumstances of the case.

II. A further question is whether gramophone records made with the permission of the performing artist may be used for public performance or for radio broadcasting without his permission.

Articles 49-55 of the Hungarian Copyright Law grant exclusive author's right of the public performance of their work only to the authors of plays, musical plays, and musical compositions, and article 74 to the authors of motion picture plays.

Though article 51 of the Copyright Law refers to article 8, the protection of the public performance of plays, musical plays, and musical compositions revised, adapted, translated according to article 6, paragraph 10, and article 7 was evidently intended, and not the protection of the performance of an artist reproduced by gramophone record or other similar apparatus, which, according to the above, can not be considered as coming under the same category as a "work" (musical composition, etc.).

For the same reason no protection of the performing artist against public performance can be inferred from the provisions contained in articles 54 and 74 of the Copyright Law which stipulates that the provisions of article 8 are to be correspondingly applied also to the public performance of plays, musical plays, and musical compositions, as well as of motion picture productions.

Considering further that according to article 53 of the Copyright Law the author of the text of a musical composition has no right to object to the public performance of a record made with his permission, it is obvious that the Law did not intend to make the use of the records for public performance dependent on a permission of the performing artist whose part is generally less important than that of the author of the text.

The Court of Justice was correct in stating that article 52 of the Copyright Law was intended to provide protection only to the authors of plays, musical plays and musical compositions regarding the public performance through a mechanical apparatus, but not to the performing artists.

Hence, according to our Copyright Law, gramophone records or films rightfully made of the performance of an artist may be used for public performance without his permission.

If the performing artist has no exclusive right of public performance of his work recorded by gramophone or film, it may be justly inferred that the right of broadcasting his performance through the radio can not depend on his permission either.

III. The view as taken by the Supreme Court that the permission of the performing artist is not required for the broadcasting of gramophone records through the radio is based further on the following considerations:

The permission of the composer of a musical composition is certainly required for the public performance or broadcasting over the radio of a gramophone record made of his copyrighted work.

If, besides the permission of the composer the permission of the performing artist would be also required, composers would be unfairly hampered in selling and disposing of their compositions, because while it is usually not difficult to obtain the permission of composers through their various organizations established for this purpose, the difficulties to obtain the permission of the performing artist would, for various reasons, be almost insuperable.

It is also to be considered that the performing artists receive a proper fee for their performances when these are recorded, and there are no reasons deserving consideration why they should be reserved a participation in the ultilization—which also includes public performance and broadcasting over the radio—of the records made with their permission. The fee paid to the artist for recording may also be considered a fee for the use of the record for public performance and radio broadcasting.

The draft of the German Copyright Law published in 1932 desires to limit, explicitly referring to foreign legislative acts, the protection granted to the performing artist in a way that his exclusive rights do not extend to the use of mechanical instruments, gramophone records, films, made and put into circulation with his permission for public performance or radio broadcasting.

IV. Therefore, when article 8 of our Law provides that the performance of a performing artist enjoy the same protection as original compositions, it does not thereby indicate that the protection granted to the performing artist is identical with that enjoyed by the author in every respect and in its full extent; it merely indicates that he too is entitled to protection greater than that afforded by ordinary Civil Law; hence he may demand the application of legal procedure defined in article 18 of the Copyright Law, to anybody who violates his rights.

Notwithstanding that the production of a performing artist cannot be termed a composition of original work and notwithstanding that the performing artist cannot be considered as an author in the sense of the Copyright Law, article 8 of the latter assures to the production of the performing artist a protection not clearly defined but nevertheless equal to that assured to original compositions; hence the performing artists being thus specially favored, the practice of the Court cannot extend the limits of the protection granted to the performing artist beyond justified limits.

Accordingly, article 8 of the Copyright Law shall be correctly interpreted, upon comparison with other provisions of the Law, to the effect that the performing artist has the exclusive right to permit that his artistic performance recorded by gramophone, film or other similar apparatuses be duplicated, published and put into circulation and at the same time he has the exclusive right to permit the broadcasting of his artistic performance directly through the radio, but his permission is not required in order that records or films which have been lawfully made of his artistic performance and put into circulation, may be used for public performance or broadcasting through the radio. It is further self-evident that, in the case of a personal public performance of a performing artist, his permission is required for a *direct* radio broadcasting of his performance; no such permission is needed, however, for the public performance or radio broadcasting of artistic performances rightfully recorded for gramophones (in films) and put into circulation. There is no need to discuss here the cases in which the consent of the performing artist to a transmission of his performance over the radio may be taken for granted, owing to circumstances and common sense.

V. As according to the above the Rome convention does not deal with the right of the performing artist, and does not consider the performing artist as composer (author), article 4 of the convention can therefore not be applied to the performance of the artist. Foreign artists, therefore, cannot refer to article 4 of the convention.

The Hungarian Copyright Law—according to its correct interpretation—does therefore not require the permission of the performing artist for the public performance and radio broadcasting of gramophone records lawfully made and put into circulation and accordingly—lacking an international agreement to the contrary—it is of no consequence whether the performing artist is a Hungarian or foreign subject or whether the records were made in Hungary or in other countries. Accordingly, gramophone records made of the performance of foreign artists may be performed publicly in Hungary or broadcast over the radio without their consent.

In view of the principles outlined above, the defendant cannot rightfully protest, on the grounds that the performing artists assigned to him their rights in regard to their artistic performance, against the broadcasting in Hungary, without his consent, of gramophone records of artistic performances. Consequently, an inscription affixed on records by the defendant to the effect that broadcasting of the record without his permission is prohibited, puts the plaintiff under no legal obligation since there was no contract between plaintiff and defendant. Nobody can acquire extra-contractural rights against third persons by one-sided declarations if there are no rules granting him such right.

VI. As regards the defense of the defendant based upon unfair competition, the view of the Royal Court is correct that, although the plaintiff collects a fee from his subscribers, he does not compete with the defendant, in the latter's capacity of producer and distributor of the records, by the broadcasting of gramophone records through the radio. Since, according to the above, the plaintiff has the right to broadcast through the radio the sound records put into circulation by the defendant, without the permission of the latter, there can be no question of any unfair competition on the part of the plaintiff by such broadcasting.

VII. Taking all this into consideration the Royal Court correctly decreed that the defendant has no right to forbid the broadcasting through the Hungarian Radio of sound records put into circulation by him and to make their broadcasting dependent on his permission; further, that the inscription on the sound records forbidding their broadcasting through the radio has no legal effect against the plaintiff and the latter is not obliged to comply with the restrictive order. As the appeal of defendant was unsuccessful, therefore, the Royal Supreme Court orders the payment of the expenses incurred by the appeal according to Civil Law Procedure Articles 508 and 543.

Budapest, May 24, 1935.

(Signed) Dr. Stephen Osvald, Chief Judge of the Royal Hungarian Supreme Court, Dr. Desider Alfoldy, Master in Chancery, Edward Ulrich, Dr. Ralph Ludwig, Dr. Joseph Brandt.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

General Mines Corporation, Spokane, Wash. (2-1654, Form A-1)
Foresight Foundation, Inc., Philadelphia, Pa. (2-1655, Form C-1)
R. W. Smith, Inc., Wilmington, Del. (2-1657, Form A-1)
Penryn Gold Mines Company, Spokane, Wash. (2-1659, Form A-1)
Arkansas Southern Oil Company, Inc., El Dorado, Ark. (2-1660, Form A-1)
National Rubber Machinery Co., Akron, Ohio. (2-1661, Form A-2)
Gold & Silver Circle Mines, Inc., Midas, Nev. (2-1662, Form A-1)
The Baltimore Dairy Company, Baltimore, Md. (2-1663, Form A-1)
Committee for Holders of Corpus Christi Co., Corpus Christi, Tex. (2-1665, Form D-1)
Signode Steel Strapping Company, Chicago, Ill. (2-1666, Form A-2)
The Brush-Moore Newspapers, Inc., Canton, Ohio. (2-1667, Form A-2)
Committee for Quincy Station P. O. Bldg., Corporation, St. Louis, Mo. (2-1668, Form D-1)

RECOMMENDS CHANGE FOR WILL

Broadcasting Station WILL, Urbana, Ill., applied to the Federal Communications Commission for change of frequency, power and hours. The station operates on 890 kilocycles, 250 watts and 1,000 watt LS, sharing time with KUSD and KFNF. The station asked for 580 kilocycles, 1,000 watts LS and daytime hours. This was granted by the Commission but subsequently Station WIBW filed a protest and hearing was called before an Exmainer.

Examiner P. W. Seward in Report I-111 recommends that the original grant of the Commission be affirmed. The Examiner found that granting the aplication of WILL would not curtail the advertising of WIBW as claimed by that station. He states that granting of the application would be in the public interest and so recommends.

DENIAL RECOMMENDED OF WSYR-WSYU APPLICATION

Station WSYR-WSYU, Syracuse, N. Y., applied to the Federal Communications Commission for authorization to move the transmitter locally, to install new equipment and to increase its operating power from 250 to 1,000 watts.

Examiner Ralph L. Walker in Report I-112 recommends that the application be denied. He found that the granting of the application "would result in further increasing the over quota condition of a state now having more than its equitable share of nighttime broadcast facilities."

FOOD AND DRUGS ADMINISTRATION DENOUNCES DINITROPHENOL

The following release has been issued by the Department of Agriculture concerning dinitrophenol:

Blindness from the use of dinitrophenol for reducing weight has not stopped the use of the drug in spite of repeated warning, says W. G. Campbell, Chief of the Federal Food and Drug Administration.

The eye cataracts observed in dintrophenol poisoning develop with a rapidity and malignancy hitherto unknown, and result in total blindness within a comparatively short time. This drug may produce acute poisoning, the symptoms of which are nausea, stomach and intestinal distress, sweating, flushed skin, high fever, rapid breathing, and muscular rigor followed by death. The drug also damages the liver, kidneys, heart and sensory nerves. It produces agranulocytosis, a blood disorder also noted in cases of poisoning with amidopyrine, a common ingredient of medicines for the relief of pain.

The Food and Drugs Act, according to Mr. Campbell, is practically inoperative against this public health hazard. He says, "The only application of the law to these products is through some misstatement of fact or some false and fraudulent curative claim in the labeling. In any event, the law can be invoked only when the product has been transported across a state line."

"There is little doubt," continues Mr. Campbell, "that the cases of progressive blindness recently reported in California are the result of medication with dinitrophenol. It is to be regretted that the present Federal law is silent with respect to the control of dangerous drugs."

Of all the products containing dinitrophenol now on the market, only one has been confiscated under the Food and Drugs Act, the Administration reports. That was "Slim," against which legal action was brought because of a label claim that it was "safe to use," whereas medical opinion is unanimous to the contrary. This proceeding was approved by Mr. Campbell, who states that in the absence of affirmative control over dangerous drugs, and to achieve one of the essential objects of the Food and Drugs Act—the protection of the public health—it is the purpose of the Administration to take advantage of any available legal technicality in proceeding against all products containing dinitrophenol. This, he points out, is contrary to the usual practice of the Administration in enforcing the Food and Drugs Act.

Dinitrophenol is sold under many fanciful names sometimes accompanied by a statement of the presence of the drug itself. Some of the names under which it has been or is now being sold are reported by the Food and Drug Administration as follows: Nitromet, Dinitrolac, Nitra-Phen, Dinitriso, Formula 281, Dinitrose, Nox-Ben-Ol, Re-Du, Aldinol, Dinitrenal, Prescription No. 17, Slim, Dinitrole, Tabolin and Redusols.

"It is interesting to note," said Mr. Campbell, "that all the so-called reducing preparations on the market fall into three categories: first, laxatives that deny the body the benefit of its food intake, as the salts, crystals and herb teas; second, obvious frauds that depend for effect upon the stringent diets prescribed as part of the 'treatment,' as 'Syl-Vette' and 'Stardom's Hollywood Diet'; and third, the unquestionably effective but dangerous articles containing thyroid or dinitrophenol, both of which act by speeding up the utilization of food. All of them are unwarranted impositions upon the public, which cannot evaluate claims made for the preparations, and cannot readily appreciate the harm that may result from careless use of the products.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, October 7, 1935

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—C. P., **1200 kc.,** 100 watts, daytime.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—William S. Thellman, New Castle, Pa.—C. P., **1420 kc.,** 100 watts, daytime.

NEW—Chanute Broadcasting Co., R. B. Smith, R. E. Highley, C. M. Brobst, Partners, Chanute, Kans.—C. P., **1500 kc.,** 100 watts, daytime.

NEW—Harold F. Foraker and Ray D. Luzadder, d/b as The Wichita Broadcasting Co., Wichita, Kans.—C. P., **1500 kc.,** 100 watts, unlimited.

Tuesday, October 8, 1935

NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Calif.—C. P., **850 kc.,** 250 watts, daytime.

Wednesday, October 9, 1935

NEW—Dudley J. Connolly, Elliott Knight, Roy W. Knight, and Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—C. P., **1200 kc.,** 100 watts, daytime.

WBHS—Virgil V. Evans, Huntsville, Ala.—C. P., **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, 6/7 time; requests authority to move to Chattanooga, Tenn.

WBHS—Virgil V. Evans, Huntsville, Ala.—Renewal of license, **1200 kc.,** 100 watts, shares with WFBC-WBHS 6/7 time.

Thursday, October 10, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-78:

NEW—2826—B4-P-329—Head of the Lakes Broadcasting Co., Virginia, Minn.—C. P., **1370 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-46:

NEW—2766—B4-P-273—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—C. P., **1010 kc.,** 1 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

NEW—KWIL Broadcasting Co., Williston, N. Dak.—C. P., **1500 kc.,** 100 watts, specified hours.

Friday, October 11, 1935

NEW—Springfield Newspapers, Inc., Springfield, Mo.—C. P., **710 kc.,** 1 KW, daytime.

NEW—Ralph Perez Perry, Santurce, Puerto Rico.—C. P., **1340 kc.,** 250 watts, unlimited time.

APPLICATIONS GRANTED

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted C. P. to make changes in equipment and change method of modulation from low to high.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted authority to install automatic frequency control.

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Granted authority to install automatic frequency control.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted modification of C. P. approving transmitter site at Piedmont Highway, U. S. 29, Greenville, S. C., extend commencement date to 30 days after grant and completion date to 180 days thereafter.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted modification of C. P. to extend completion date to January 17, 1936.

WHN—Marcus Loew Booking Agency, New York City.—Granted renewal of license for the regular period; **1010 kc., 1 KW,** unlimited.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 250 watts.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Granted C. P. to install new equipment, move studio location to 1311 Terminal Tower, Cleveland, and transmitter locally to site to be determined with Commission's approval.

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska—Granted modification of license to change name from Edwin A. Kraft, d/b as Northwest Radio Advertising Co. to Edwin A. Kraft.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa—Granted C. P. approving transmitter site to north of Des Moines, Iowa; extend commencement date to 60 days after grant and completion date to 180 days thereafter.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted modification of C. P. to extend completion date to January 19, 1936.

WTAQ—Gillette Rubber Co., Green Bay, Wis.—Granted consent to voluntary assignment of C. P. to WHBY, Inc.

WNYC—City of New York, Dept. of Plant and Structures, New York City—Granted C. P. to move transmitter site locally foot of Greenpoint Ave. and East River, Brooklyn, and make changes in antenna.

NEW—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—C. P. amended, removed from hearing docket and granted, for new station to operate on **1210 kc.,** 100 watts, daytime.

NEW—Don Lee Broadcasting System, Portable-Mobile (Los Angeles).—Granted C. P. (temporary broadcast pickup); frequencies **1646, 2090, 2190, 2830 kc.,** 100 watts.

KNEF—Radio Service Corp. of Utah, Portable-Mobile (Salt Lake City, Utah).—Granted license to cover C. P. (temporary broadcast pickup); frequencies **1646, 2090, 2830 kc.,** 200 watts.

WOEG—General Electric Co., Portable-Mobile (Schenectady, N. Y.).—Granted license to cover C. P. for temporary broadcast pickup service; frequencies **1606, 2020, 2102** and **2760 kc.,** 50 watts.

SET FOR HEARING

NEW—Eagle Rock Broadcasting Co. (Charles A. Butler, E. Kaufman), Eagle Rock, Calif.—C. P., already in hearing docket, amended to read: **600 kc.,** 250 watts, daytime.

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—C. P., already in hearing docket, amended to read: **1200 kc.,** 100 watts, daytime.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., already in hearing docket, amended to read: Move transmitter to site to be determined by the Commission, make changes in equipment, increase power from 500 watts to 1 KW, and make changes in antenna.

WBAA—Purdue University, W. Lafayette, Ind.—Modification of license already in hearing docket amended to read: change specified hours of operation to daily except Sunday: 10 a. m. to 2 p. m.; Saturday, 2 to 5 p. m., except November and December: 2 to 4:30 p. m.; January: 2 to 4:45 p. m.

WBHS—Virgil V. Evans, Huntsville, Ala.—C. P. already in hearing docket, amended to read: change hours of operation from 6/7 time to daytime only; transmitter site to be determined subject to Commission's approval.

WBEN—WBEN, Inc., Buffalo, N. Y.—Application for C. P. to make changes in equipment and increase operating power from 1 to 5 KW night and day. To be heard by Division en banc.

MISCELLANEOUS

WCOP—Joseph M. Kirby, Boston, Mass.—Denied request for special temporary authority to operate from local sunset to 7 p. m., EST, for period beginning September 29, and ending in no event later than October 28, pending action on formal application to change frequency and increase hours of operation from daytime and from LS to 8 p. m., EST.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Denied request for special temporary authority to operate from local sunset to 8 p. m., PST, for period beginning October 9, ending not later than November 7, in order to broadcast community and civic programs.

NEW—W. A. Patterson, Chattanooga, Tenn.—Granted authority to take depositions in re application for new station to operate on **1420 kc.,** 100 watts.

WJAR—The Outlet Co., Providence, R. I.—Denied petition to reconsider action in designating application for hearing, to increase its power to 1 KW, employing directional antenna.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Cal.—Application for renewal of license heretofore designated for hearing, was reconsidered and granted, since applicant for facilities of this station withdrew his petition.

ACTION ON EXAMINER'S REPORTS

KPJM—Ex. Rep. No. 1-70: Scott & Sturm, Prescott, Ariz.—Denied as in cases of default, application for renewal of license to operate on **1500 kc.,** 100 watts, unlimited time, sustaining Examiner P. W. Seward. Order effective November 26, 1935.

KTFI—Ex. Rep. No. 1-75: Radio Broadcasting Corp., Twin Falls, Idaho.—Remanded to docket for further hearing.

NEW—Ex. Rep. No. 1-89: Hauser Radio Co., Ventura, Calif.—Dismissed with prejudice, application for C. P. to operate on **1310 kc.,** 100 watts, unlimited time, sustaining Examiner P. W. Seward.

WGES—Ex. Rep. No. 1-98: Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted application for renewal of license to operate on **1360 kc.,** 500 watts night, 1 KW LS Sundays, 3/7 time, sustaining Examiner R. H. Hyde. Order effective November 12, 1935.

WSBC—Ex. Rep. No. 1-99: WSBC, Inc., Chicago, Ill.—Granted renewal of license to operate on **1210 kc.,** 100 watts, S.H., sustaining Examiner R. H. Hyde Order effective November 12, 1935.

NEW—Ex. Rept. No. 1-100: Oklahoma Press Pub. Co., Muskogee, Okla.—Granted oral argument to be held December 4, 1935. Also granted request for oral argument to the Pittsburgh Publishing Co., which was permitted to appear at hearing and cross examine in re interference in this case.

ACTION IN SO-CALLED BROOKLYN CASE AND OTHER INVOLVED APPLICATIONS

Upon consideration of the applications, the record in this case, Examiner's Reports Nos. 539 and 1-40, the exceptions filed thereto, and the oral argument had, the Broadcast Division this day found that public interest, convenience and necessity would be served by granting the following applications in the manner indicated:

WBBC—Ex. Rep. Nos. 1-40 and 539: Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license requesting facilities of stations WARD and WVFW (formerly WFOX). Application granted in part, so as to authorize operation of station WBBC on the **1400 kc.** frequency, sharing time equally with Brooklyn Daily Eagle Broadcasting Co., Inc.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license. Application granted.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of auxiliary transmitter license. Application granted.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P. for new station to operate on **1400 kc.** with 500 watts, unlimited time, requesting facilities of stations WARD, WBBC, WVFW and WLTH. Application granted in part, so as to authorize operation of a new station on **1400 kc.,** with power of 500 watts, sharing equally with WBBC.

WHAZ—Rensselaer Polytechnic Inst., Troy, N. Y.—Renewal of license. Application granted.

WFAB—Fifth Ave. Broadcasting Corp., New York City—Renewal of license. Application granted.

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Renewal of license. Application granted.

Upon consideration of the applications, the record in this case, Examiner's Reports Nos. 539 and 1-40, the exceptions filed thereto, and the oral argument had, the Broadcast Division this day found that public interest, convenience and necessity would not be served by granting the applications in the following cases:

WARD—Ex. Rep. No. 1-40, 539: United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to make changes in equipment; **1400 kc.,** 500 watts, dividing time with WFOX, WLTH and WBBC. Application denied.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Modification of license to change hours to unlimited time, requesting facilities of WFOX, WLTH and WBBC. Application denied.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1400 kc.,** 500 watts, sharing time with WFOX, WLTH and WBBC. Application denied.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license from U. S. Broadcasting Corp. to Broadcasters of Brooklyn, Inc. Application denied.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license, **1400 kc.,** 500 watts, sharing time with WARD, WFOX and WBBC. Application denied.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license from Voice of Brooklyn, Inc., to Broadcasters of Brooklyn, Inc. Application denied.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license to change hours of operation to unlimited time, requesting facilities of WARD, WLTH and WBBC. Application denied.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Renewal of license. Application denied.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license from Paramount Broadcasting Corp. to Broadcasters of Brooklyn, Inc. Application denied.

NEW—Ex. Rep. No. 1-40: Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—C. P. for new station to operate on **1400 kc.,** 500 watts, unlimited time, requesting facilities of WARD, WBBC, WLTH and WVFW. Application denied.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Modification of license to change hours of operation from sharing with WBBR, WFAB and WHAZ to unlimited time, **1300 kc.,** 1 KW power. Application denied.

The order as entered herein shall be effective at 3 A. M., Eastern Standard Time, November 15, 1935.

The Commission will issue and publish at a subsequent date an opinion setting forth a statement of facts appearing of record and the grounds for the decision herein reached.

ACTION ON ADDITIONAL EXAMINERS' REPORTS

WMBC—Ex. Rep. No. 1-92: Michigan Broadcasting Co., Detroit, Mich.—Granted oral argument for November 1, 1935, on application for C. P. to change frequency from **1420 kc.** to **1300 kc.,** power from 100 watts, 250 watts LS, to 500 watts.

WHBL—Press Publishing Co., Sheboygan, Wis.—Application for modification of license to change frequency from **1410 kc.,** to **1300 kc.,** power from 500 watts to 250 watts, and time from sharing with WROK to unlimited.

NEW—Ex. Rep. No. 1-93: Brackett, Breed & Laport, d/b as Conn. Valley Broadcasting Co., Springfield, Mass.—Granted oral argument for November 21, 1935, on application for C. P. to operate on **1140 kc.,** 500 watts, limited time.

NEW—Ex. Rep. No. 1-96: Charles C. Theis, Wichita, Kans.—Granted oral argument, date to be determined, on application for C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time.

NEW—Ex. Rep. No. 1-97: Hartford Broadcasting Co., Inc., Hartford, Conn.; and NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.; and NEW—Hartford Times, Inc., Hartford, Conn.—Granted oral argument to be held on December 4, 1935, application for new station, frequency **1200 kc.,** 100 watts, unlimited.

APPLICATIONS RECEIVED

First Zone

WPRO—Cherry & Webb Broadcasting Company, Providence,
630 R. I.—Construction permit to install new equipment and increase power from 250 watts to 500 watts, 1 KW local sunset.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Construc-
1260 tion permit to install new equipment, change frequency from **1420 kc.** to **1260 kc.,** power from 100 watts to 250 watts, and move transmitter from Exchange National Bank Bldg., corner Union and Laurens Sts., Olean, New York, to town of Allegany, New York.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Authority to
1420 transfer control of corporation from Olean Broadcasting Co., Inc., to the Olean Times-Herald Corp., 123 shares of common stock.

Second Zone

NEW—The Times Dispatch Publishing Co., Inc., Richmond, Va.—
1500 Construction permit for a new broadcast station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended: Antenna to be determined.

Third Zone

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Con-
1180 struction permit to make equipment changes.

WMFO—James R. Doss, Jr., Decatur, Ala.—Modifictaion of license
1370 to change hours of operation from daytime to unlimited time, using 100 watts power.

KCRC—Enid Radiophone Company, Enid, Olka.—License to cover
1370 construction permit (B3-P-379) for equipment changes.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—
1420 License to cover construction permit (B3-P-179) for new station on **1420 kc.,** 100 watts, daytime.

KNET—Palestine Broadcasting Association, Bonner Frizzell, John
1420 C. Welch, Wm. M. Keller, Palestine, Tex.—Modification of construction permit (B3-P-216) for approval of antenna, move studio from 315 W. Spring St. to O'Neill Hotel, Palestine, Tex., and transmitter from one mile east of city limits to O'Neill Hotel, Palestine, Tex.

NEW—C. W. Snider, Wichita Falls, Tex.—Construction permit for
1500 a new broadcast station to operate on **1500 kc.,** 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime only.

WKY—WKY Radiophone Company, Olkahoma City, Okla.—Construction permit for a new general experimental station to operate on **31600, 35600, 38600, 41000 kc.,** 100 watts.

KILU—Arkansas Radio and Equipment Company, Little Rock, Ark.—Renewal of license for broadcast pickup station.

Fourth Zone

NEW—Bismarck Tribune Company, Bismarck, N. Dak.—Con-
550 struction permit for a new broadcast station to operate on **550 kc.,** power 1 KW, 5 KW local sunset, unlimited time, requesting all facilities of station KFYR, with studio to be located at Bismarck, N. Dak., and transmitter, to be determined, at Apple Creek Township, North Dakota.

NEW—A. Staneart Graham, E. V. Baxter, Norman Baxter, d/b as
790 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to change frequency from **1500 kc.** to **790 kc.,** power from 100 watts to 1 KW, hours of operation from unlimited to daytime; also make changes in equipment.

NEW—Mason City Globe Gazette Co., Mason City, Iowa.—Con-
1210 struction permit for a new broadcast station to be operated on **1210 kc.,** power 100 watts, unlimited time.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis,
1500 Ill.—Construction permit to install new equipment and increase power from 100 watts to 100 watts, 250 watts local sunset.

WNEI—Indianapolis Power and Light Company (Portable).—Modification of license to change frequencies to **1646, 2190, 2830, 2090 kc.,** of broadcast pickup station.

Fifth Zone

KPOF—Pillar of Fire (a corp.), Denver, Colo.—License to cover
880 construction permit (B5-P-554) to build a new transmitter and make equipment changes.

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., San
1090 Luis Obispo, Calif.—Construction permit for a new station to operate on **1090 kc.,** 250 watts, daytime. Amended as to antenna.

NEW—John A. Stump, Fairbanks, Alaska.—Construction permit
1210 for new station to operate on **1210 kc.,** 50 watts, specified hours. Amended to change power from 50 watts to 100 watts, 250 watts local sunset, unlimited time; make antenna and equipment changes; transmitter site to be determined, Fairbanks, Alaska, and studio to be located at First and Clay Sts., Fairbanks, Alaska.

NEW—F. W. Atkinson, Watsonville, Calif.—Construction permit
1310 for a new station to operate on **1310 kc.,** 250 watts, daytime.

NEW—Fresno Broadcasting Co., Fresno, Calif.—Construction per-
1410 mit for a new broadcast station to be operated on **1410 kc.,** power 500 watts, 1 KW local sunset, unlimited time.

CORRECTION

NAB Reports for September 19, 1935, listed W6XAR erroneously as owned by Westinghouse whereas the license has been issued to Julius Brunton & Sons Company, San Francisco.

The National Association of Broadcasters
NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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MPPA LETTER RELATING TO THE RECORDING OF RADIO PROGRAMS

All stations are believed to have received a circular letter dated September 23, from the Music Publishers' Protective Association, New York City, relating to the recording of radio programs.

The NAB does not agree with MPPA's claims in this matter. Protest has been made to MPPA and assurance has been given the Managing Director that no action will be taken before the NAB is given opportunity to be heard.

PRESIDENT APPOINTS COMMITTEES

President Fitzpatrick this week appointed the following committees:

Commercial Committee

Arthur B. Church, Chairman, KMBC, Kansas City, Missouri; Edwin M. Spence, WBAL, Baltimore, Maryland; H. K. Boice, WABC, New York, N. Y.; Edgar Kobak, WJZ, New York, N. Y.; I. R. Lounsberry, WGR-WKBW, Buffalo, New York; H. K. Carpenter, WHK, Cleveland, Ohio; W. W. Gedge, WMBC, Detroit, Michigan; Martin B. Campbell, WFAA, Dallas, Texas; Hugh A. L. Halff, WOAI, San Antonio, Texas; Herbert Hollister, WLBF, Kansas City, Kansas; John J. Gillin, Jr., WOW, Omaha, Nebraska; Harold Wheelahan, WSMB, New Orleans, Louisiana; Campbell Arnoux, WTAR, Norfolk, Virginia; S. A. Cisler, WJTL, Atlanta, Georgia; D. E. Kendrick, WIRE, Indianapolis, Indiana; J. O. Maland, WHO, Des Moines, Iowa; C. Ellsworth Wylie, KHJ, Los Angeles, California; Ralph R. Brunton, KJBS, San Francisco, California; Fred A. Palmer, WBNS, Columbus, Ohio; C. W. Myers, KOIN, Portland, Oregon; Carl Haverlin, KFI, Los Angeles, California.

Engineering Committee

J. A. Chambers, Chairman, WLW, Cincinnati, Ohio; C. W. Horn, WEAF, New York, N. Y.; E. K. Cohan, WABC, New York, N. Y.; E. L. Gove, WHK, Cleveland, Ohio; John E. Burrell, KJBS, San Francisco, California; J. H. DeWitt, Jr., WSM, Nashville, Tennessee; Carl Meyers, WGN, Chicago, Illinois; John E. Fetzer, WKZO, Kalamazoo, Michigan; John V. L. Hogan, W2XR, New York, N. Y.; H. C. Harvey, KFAB, Lincoln, Nebraska; James M. Nassau, WIBG, Philadelphia, Pennsylvania; L. A. Benson, WIL, St. Louis, Missouri; Hugh S. McCartney, WCCO, Minneapolis, Minnesota; J. L. Middlebrooks, WAPI, Birmingham, Alabama; Gerald W. Cooke, WBAL, Baltimore, Maryland.

A PROPOSAL AND ANSWER ON RATE CUTTING

THE PROPOSAL:

"RADIO ASSOCIATES
1430 Broadway
New York, N. Y.
October 5th, 1935.

"Sales Manager
Radio Station WSOC
Charlotte, N. C.
Dear Sir:

"We are preparing a new type of Radio campaign. This plan consists of six fifteen-second announcements daily. For this service we are able to offer you $15.00 per week less the customary fifteen percent (15%).

"We are fully aware that the price is well below your local rate card but this is additional business that we are in a position to obtain for you only because of this attractive low rate.

"If you are interested in joining our group of stations in this new venture kindly advise us at once so that we can include you in our prospectus.

Very truly yours,
(signed) John H. Moses
RADIO ASSOCIATES."

THE ANSWER:

"RADIO STATION WSOC
INCORPORATED
Charlotte, N. Carolina
October 8, 1935

"Mr. John H. Moses,
Radio Associates,
1430 Broadway,
New York, N. Y.
Dear Mr. Moses:

"We have your offer of a 'NEW TYPE' of radio campaign under date of October 5th. This seems to us to be somewhat of a misstatement—your proposition is not a 'new type' of campaign; it is one of the oldest form of 'chiseling.'

"No doubt you will find a certain group of stations who will fall for your bait—I hope, however, that their number will become increasingly small—for there are that class in every line of business, both stations and representatives. As for WSOC, we are distinctly not interested in cutting rates or making concessions. We know from results produced that our medium is worth the rates we publish. If it were not we would publish a new rate card.

Sincerely,
(signed) E. J. Gluck
E. J. Gluck, President."

FEDERAL TRADE COMMISSION ACTIVITIES

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

Complaints

No. 2567. D. Blum & Co., New York City. The respondent is alleged to have advertised that its "O. K. Chemical Dry Cleaning Fluid" will have no injurious effect on the most delicate materials. According to the complaint, use of the respondent's products on certain fabrics will have an injurious effect and will leave rings or spots. Hearing, November 8.

No. 2568. Willard B. Casterline, Chicago, Illinois. Sales methods involving a game of chance are alleged in a complaint against the respondent, trading as Casterline Brothers, engaged in the sale of candy to wholesalers and retailers.

Stipulations

No. 1466. Imperial Manufacturing Co., New York City and Newark, N. J., has entered into a stipulation to cease and desist from use of the words "triple Coated" to describe its product, a carbon paper, when, in fact, the stipulation sets out that the product was not coated with carbon in three times in the process of manufacturing so as to be properly referred to as "triple coated."

No. 1468. Charles McMahon, Camden, N. J. Respondent agrees to cease representing in advertisements that certain equipment will be included in the price paid for outfits of gymnastic equipment and physical culture courses in instances where this is not true.

No. 1469. Clay-Adams Company, Inc., New York City. In the sale of hypodermic syringes, the respondent agrees to cease and desist from obliterating marks showing the country of origin on the individual boxes and cartons in which the syringes are packed, and substituting therefor small and indistinct rubber-stamp markings.

No. 1474. Wonder-Mist Polish Co., Melrose, Mass. Respondent agrees to stop representing that its product "can be used on any kind of cloth or fabric as it neither injures the fabric or cloth," that the product "will not harm the finest fabric," and to stop making other similar representations implying that the colors of fabrics or materials dyed with non-fast or fugitive dyes will not be impaired or injured by application of this company's fluid.

No. 1475. Harry and Benjamin Rattner, tr/as "A-One Products Company" and "Messner Chemical Company," and R. W. Chemical Corporation, New York City. Respondents agree to cease using on labels affixed to their products the words "Stain Remover" either independently or in connection with other words so as to imply that the fluid removes stains of all kinds from fabrics when this is not true.

No. 1476. HY-Test Cement Co., Philadelphia, Pa., manufacturing a mortar cement and selling it under the name "Hy-Test," has entered into a stipulation with the Commission agreeing to stop the circulation in interstate commerce of Bureau of Standards report No. 683 on tests of mortar cement, bearing any mark or designation whereby the identity of any participant can be ascertained.

The company also agreed to cease and desist from violation of any Bureau of Standards regulations for conducting tests, either for associations of manufacturers or otherwise, whereby any unfair advantage over competitors is sought or gained.

The Hy-Test Cement Co., according to the stipulation, was one of the manufacturers whose product was used in making tests described in Research Paper No. 683. The stipulation points out that this company, disregarding the request of the Bureau of Standards, distributed Research Paper No. 683 as a means of advertising its products, causing the page number and designation in the report of Hy-Test cement to be stamped thereon, with the result that officials of the Bureau were embarrassed, the practicability of the continuance of their system in such cases was jeopardized. and the company obtained an unfair advantage over its competitors who participated in such tests.

No. 1477. Success Manufacturing Co., Gloucester, Mass., refrigerator manufacturer, agreed to cease and desist from use of the words "All Steel" and "Built throughout with non-rustible steel" to represent its products, implying that the refrigerators are made wholly of steel, when this is not true. The stipulation points out that the products were made partly of other materials than steel and were a type with wooden frames known to the trade as "metal-clad."

No. 1478. Seeley's (Rupture) Establishment, Ltd., Chicago, distributor of trusses or appliances for hernia or rupture, agreed to cease and desist from representations which may have a tendency to confuse purchasers into believing that the Federal Trade Commission has issued or is proceeding toward issuance of a cease and desist order against a named individual or concern for the purpose of restraining such individual or concern from alleged unfair trade practices, when this is not true. The respondent also agreed to cease and desist from printing findings, orders or other public records of the Federal Trade Commission unless the whole of such documents be printed in full and in the exact wording of the Commission without interpretation of, addition to or subtraction from, as entered by the Commission. The stipulation provides that in no case shall such findings, orders or other public record be used or published by the respondent for the purpose or with the effect of disparaging or injuring the business of a competitor who has complied with the Commission's orders, stipulations or directions.

No. 1479. Hall & Ruckel, Inc., Brooklyn, N. Y., manufacturing depilatory creams and powders, deodorants and tooth powders, agreed to abandon representations in advertising that its product "X-Bazin" will permanently remove surplus hair, will discourage, devitalize, or lessen the future growth of surplus hair, or that it is a safe, harmless, non-irritating or mild preparation. The company will also stop alleging that the product is endorsed by scientists or physicians, when this is not true.

No. 1480. The Enequist Chemical Co., Inc., Brooklyn, N. Y., distributor of chemicals including those used in photo engraving, electrotyping, electroplating and in the fur and textile industries, agreed to forego use of its slogan, "Enequist Chemicals Since 1904," implying that the company has been in business selling Enequist chemicals since 1904 or that it is associated or connected with Seldner & Enequist, Inc., of Brooklyn, or that it has been engaged in such business for a length of time in excess of what is actually the fact.

Seldner & Enequist, Inc., was incorporated in 1917 to carry on the business theretofore conducted since about 1902 under the name Seldner & Enequist. The Enequist Chemical Co., Inc., according to the stipulation, is in no way associated with Seldner & Enequist, Inc., and was organized in or about August, 1930.

No. 1481. Morris Senderowitz, Morris H. Senderowitz and A. M. Senderowitz, of Allentown, Pa., trading as Royal Manufacturing Co., engaged in the manufacture of men's underwear, agree to stop printing on bands or labels affixed to their products the words "vat-dyed," when the products are not vat dyed, and the words "fast colors," implying that the products are made from cloth dyed with fast dyes so as not to fade by exposure to the air or by washing, when this is not true. The co-partners also agree to stop improper use of the word "broadcloth" either independently or in connection with the word "genuine" in describing certain of their products.

No. 1482. Buddy Manufacturing, Inc., of New York City, makers of women's dresses, agree to stop using the word "Linene" in such way as to mislead purchasers into the belief that products so marked or described are made of the fibre of the flax plant, when this is not true.

No. 0903. John D. Myers, of Kansas City, trading as John Sterling Remedy Company and selling treatments for venereal ailments, agrees to stop representing that either of his preparations is a competent treatment or effective remedy. According to medical opinion furnished the Commission, the respondent's preparations are neither a specific nor a competent treatment for such diseases in any stages, nor is the mixture of ingredients therapeutically correct.

No. 0904. H. B. Laymon, of Spencer, Indiana, trading as World's Products Company, a dealer in counter card merchandise and medicines, agrees to stop advertising that a salesperson or dealer can sell the respondent's merchandise to every store, make quick sales, get steady repeat orders, or that the respondent's articles are new or of proven quality, or that they have no competition.

No. 0905. Glandular Laboratories of America, Inc., of New York City, agrees, in the sale of "Diutacid" and "Sesocrin," to stop representing that either preparation is free from drugs or that Diutacid is a competent treatment or an effective remedy for weak or run down condition, nervousness, or premature old age, or that Sesocrin is an effective remedy for disorders of the pituitary or thyroid glands, or for conditions of senility or neurasthenia. The respondent will also discontinue use of the term "Laboratories" as part of its corporate name, and of the phrase, "gland vitalizing."

No. 0906. The Thomas Chemical Company, Inc., of Lynchburg, Va., agrees to cease asserting that its preparation called "Curen" is a competent or effective treatment for athlete's foot, impetigo and other skin troubles, unless limited to minor irritations of the skin.

No. 0907. Ethel J. Cayce, of Berkley, Calif., trading as Rejuvene Manufacturing Company, selling a cosmetic called "Rejuvene," agrees to stop alleging that this preparation is composed of healthful or beautifying herbs, until such is the fact, and that it will normalize the skin or keep it in a healthy condition so long as the pores are filled with gum. The respondent further agrees to stop using the word "manufacturing" as part of her trade name until such time as she may in fact own, operate or control the plant used to manufacture the product sold.

No. 0908. Samuel Janowsky, of Chicago, trading as Randall Spinal Institute, will stop representing that his medicinal device called "Spinal Exerciser" will correct abnormal spinal conditions, reduce large abdomen, lift stooping shoulders, and aid in the correction of other ailments. According to medical opinion furnished the Commission, the device will not correct abnormal conditions of the spine, or various other ailments specified. The stipulation points out that if used by one afflicted with spinal tuberculosis, it would be definitely harmful.

No. 0909. H. A. Hopkins, Boston, tr/as Hopkins Hosiery Co. Respondent agrees to stop representing that samples are furnished by him to agents or salespersons for less than the cost to manufacture; that a salesperson can collect 75 cents from every home, and that any article is "free" so long as a purchase of other merchandise is required and the price thereof is included in the purchase.

No. 0910. L. Heumann & Co., Inc., New York City, selling two medicinal preparations, agrees to stop advertising that either of the products, alone or in combination, is a remedy or competent treatment for rheumatism or gout, unless the reference is limited to relief of the aches and pains caused by those ailments. This respondent will also cease asserting that its tablets (Rimagot Tablets) will eliminate uric acid from the body, or that they will dissolve uric acid.

No. 0911. Evans Manufacturing Co., Cincinnati, dealing in a floor wax and floor waxer, will abandon advertising that the device works as efficiently as any $50 machine and that sales persons will earn any amount "just for demonstrating" the machine. The stipulation points out that agents do not receive anything for demonstrating the device and that contrary to the respondent's advertising, the device is not worth $14.10 and is not sent "free" to agents. Furthermore, according to the stipulation, the article is not as efficient as any $50 machine.

No. 0912. Certane Company, Inc., Los Angeles, vendor of various feminine hygiene preparations, agrees to discontinue representing by inference or direct statement that any of its preparations or any combination thereof is a contraceptive or a scientific method of feminine hygiene or a scientific discovery.

No. 0913. H. L. Williams, trading as Williams S. L. K. Laboratories, Kansas City, Mo., and selling a formula and compound for stomach, liver and kidney troubles, also rheumatism, sciatica and neuritis, agrees to stop representing that the formula is a competent treatment or effective remedy for these and other diseases. According to medical opinion furnished the Commission, the Williams formula is not a competent treatment for the disorders specified in the advertising, and the compound is not an effective remedy for rheumatism, neuritis or sciatica.

No. 0914. Porter S. Hamilton, trading as Loistol Co., Portland, Me., agrees to stop representing that an ointment for relief of skin troubles called "Loistol" is either a competent treatment or effective remedy for eczema, rashes, cuts or cold sores and that it will relieve other skin disorders unless the assertion is limited to minor irritations, and that it is a new and guaranteed product.

No. 0915. Emergency Laboratories and Poslam Company, New York City, stipulates that it will cease and desist from representing that its medicated ointment called "Poslam" is a competent treatment for eczema and other skin ailments and to stop designating its ointment as "concentrated Poslam" unless and until the ointment shall have been prepared according to two or more standards of substantially different degrees of strength.

No. 0916. Nacor Medicine Company, Indianapolis, selling a treatment for asthma called "Nacor," agrees to stop asserting that the medicine is a competent treatment or remedy unless these representations are limited in reference to relief from attacks and paroxysms of asthma. Other representations of similar character will be discontinued, according to the stipulation. This respondent agreed that in promoting the sale of its medicine as a relief for bronchial troubles, it would include in direct connection with these sales a warning to the effect that the medicine is not for use by any person having tuberculosis.

No. 0917. Charles Cluthe & Sons, Bloomfield, N. J., engaged in selling a mechanical appliance for treatment of rupture called "Cluthe's Comfort Truss," agrees to stop advertising that by use of such appliances rupture troubles can be overcome and operations avoided, unless in the latter representation the assertion is limited to reducible ruptures. Other similar assertions of like import will also be discontinued.

No. 0918. Rosaline Mayer, trading as Kleerplex, New York City, and selling a product for treating skin diseases, will abandon use of advertising which represents that the Kleerplex products, either as a balm or a wash, will dissolve blackheads, refine large pores or clear up muddy, sallow or blemished skin. The respondent also agrees to stop advertising that Kleerplex "gets at the cause" of skin afflictions and "penetrates" the skin, and to stop making other assertions of like import.

No. 0919. North American Institute, Chicago, Ill., agrees to stop advertising that its home training course will enable a student, without regard to his or her educational attainments or ability, to become an outstanding speaker or conquer stage fright, timidity or fear. The stipulation points out that various representations made as to what this course will do for any person, without regard to his qualifications, are "extravagant, fanciful, and in many cases manifestly impossible."

No. 0920. Hed-Aid, Inc., Detroit, vendor-advertiser of a headache and neuralgia preparation, agrees to stop advertising that its tablets are a safe or sure relief for headache and will not harm or depress the heart or affect the stomach.

No. 0921. Schieffelin & Co., Inc., New York City, agrees to discontinue unfair advertising of its floor waxes, paste and furniture cream (Vernax No Rub Floor Wax).

No. 0922. Marion Products, Inc., Marion, Ohio, agrees to cease and desist from making unfair representations of a beverage substitute for coffee called "Grains of Wealth" which, according to the stipulation, it will no longer advertise as better than coffee or as indistinguishable from the finest and best coffee obtainable.

LICENSE RENEWAL APPLICATIONS DUE

According to FCC Rule 27, licenses issued to broadcasting stations operating on 1370, 1420 and 1500 kilocycles expire January 1, necessitating filing of renewal applications on or before November 1, 1935.

WSAR INCREASED POWER RECOMMENDED

Broadcasting Station WSAR, Fall River, Mass., applied to the Federal Communications Commission for authority to increase its power from 250 to 1,000 watts. The station operates unlimited time on 1450 kilocycles.

Examiner Melvin H. Dalberg, in Report No. I-106 recommends that the application be granted. He found that granting of the application would permit the station to expand its service, that it appears qualified to make the change and "there is apparently no objection to the granting of the application by reason of quota conditions. Further, it is not believed that other licensed stations would be adversely affected by interference and that the granting of the application would serve public interest, convenience and necessity."

WMBH APPLICATION DISMISSAL RECOMMENDED

Station WMBH, Joplin, Mo., applied to the Federal Communications Commission for special experimental authorization. When the case came on for hearing counsel for the applicant moved that the application be dismissed without prejudice.

Examiner Ralph E. Walker, in Report No. I-113 recommends that the motion be granted for dismissal without prejudice.

DENIAL OF NEW CALIFORNIA STATION RECOMMENDED

A. Tornek, operating under the trade name of the Metro Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a new station at Los Angeles, Cal., to use 820 kilocycles, 250 watts and to share time with WHAS.

Examiner P. W. Seward in Report No. I-114 recommends that the application be denied. He found that the applicant is not qualified to construct and operate such a station, that granting of the request would cause "serious and objectionable interference to existing stations" and "that it is not shown that a need for general radio service exists in the area proposed to be served."

RECOMMENDS NEW NEW YORK STATION

The Knox Broadcasting Company, Inc., applied to the Federal Communications Commission for a construction permit for a new station at Schenectady, N. Y., to use 1240 kilocycles, 1,000 watts power and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-116 has recommended that the application be granted. He found that there is need in the area for additional service in so far as local interest is concerned. The Examiner found also that granting of the application would not cause any objectionable interference and that it would be in the public interest.

WKJC CHANGES RECOMMENDED

The Lancaster (Pa.) Broadcasting Service, Inc., (Station WKJC) filed an application with the Federal Communications Commission asking that it be allowed to assign its license to the Associated Broadcasters, Inc. The latter applied for permission to move the station from Lancaster to Easton, Pa. Also Associated Broadcasters, Inc., requested approval of the Commission to transfer 70 per cent of its capital stock to Mason-Dixon Radio Group, Inc.

Examiner George H. Hill in Report No. I-115 has recommended that the application of the Lancaster Broadcasting Service to assign the license to Associated Broadcasters be granted; that permission be granted to move the station and that the application of Associated Broadcasters for the transfer of control of the corporation by transferring 70 per cent of the stock to the Mason-Dixon Radio Group, Inc., be granted.

FEDERAL COMMUNICATIONS COMMISSION ACTIONS

HEARING CALENDAR

Monday, October 14, 1935

WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license, **890 kc.**, 1 KW, unlimited time. Present assignment: **890 kc.**, 500 watts, 1 KW LS, unlimited time.

WJAR—The Outlet Co., Providence, R. I.—Modification of license, **890 kc.**, 1 KW, unlimited time. Present assignment: **890 kc.**, 250 watts night (SA), 500 watts day.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—C. P., **890 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **890 kc.**, 250 watts, 500 watts LS, unlimited time.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license, **890 kc.**, 500 watts, 1 KW LS, unlimited time (requests facilities of WMMN). Present assignment: **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license, **890 kc.**, 250 watts, 500 watts LS, unlimited time.

HEARING BEFORE THE BROADCAST DIVISION

KNX—Western Broadcast Co., Los Angeles, Calif.—Renewal of license, **1050 kc.**, 50 KW, unlimited time.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Renewal of license, **610 kc.**, 1 KW, unlimited time.

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Renewal of license, **620 kc.**, 1 KW, 5 KW LS, unlimited time.

Tuesday, October 15, 1935

NEW—Review Publishing Co. (Pearl B. Robinson, Sole Owner), Moscow, Idaho.—C. P., **1310 kc.**, 100 watts, unlimited.

NEW—Roberts MacNab Hotel Co., Jamestown, N. Dak.—C. P., **1310 kc.**, 100 watts, unlimited time.

Wednesday, October 16, 1935

NEW—Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—C. P., **1350 kc.**, 250 watts, daytime.

WADC—Allen T. Simmons, Tallmadge, Ohio.—C. P., **1320 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **1320 kc.**, 1 KW, 2½ KW LS, unlimited time.

Thursday, October 17, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-60:

WSIX—2814—B3-P-227—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire & Vulcanizing Co., Springfield, Tenn.—C. P. to move transmitter; **1370 kc.**, 100 watts, unlimited time.

NEW—2756—B3-P-252—Nashville Broadcasting Corp., Nashville, Tenn.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—2878—B4-P-384—Evansville On the Air, Inc., Evansville, Ind.—C. P., **1370 kc.**, 100 watts, unlimited time.

Commissioner Brown's Report:

2636—B3-FP-2—Mrs. Nellie H. Morris and W. C. Morris, working as "Hotel Eagle," Eagle Pass, Tex.—Authority to transmit programs from Hotel Eagle, Eagle Pass, Tex., over XEPN.

2835—B3-FP-5—Universal Advertising Agency, Laredo, Tex.—Authority to transmit programs to all Mexican stations through Station XENT.

HEARING BEFORE AN EXAMINER

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of license, **1270 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **1270 kc.**, 1 KW, 2½ KW LS, unlimited time.

APPLICATIONS GRANTED

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted C. P. to make changes in equipment, install new antenna system, and increase power to 1 KW night, 5 KW day.

WDZ—James L. Bush, Tuscola, Ill.—Granted modification of C. P. approving antenna and transmitter sites at 1½ miles north of Tuscola on U. S. 45 and 1 mile 600 feet east RFD, Tuscola, Ill.; extend commencement date to 30 days after grant and completion date to 180 days thereafter.

WJW—WJW, Inc., Akron, Ohio.—Granted license to cover C. P. authorizing installation of new equipment and increasing day power to 250 watts; **1210 kc.**, 100 watts night.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Granted license to cover C. P., **1420 kc.**, 100 watts, unlimited time.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Granted license to cover C. P., **1420 kc.**, 100 watts, unlimited time.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Granted C. P. to move transmitter locally, approximately 3.7 miles southeast of present location, and make changes in antenna.

WNBZ—Earl J. Smith and William Mace, d/b as Smith & Mace, Saranac Lake, N. Y.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 100 watts; **1290 kc.**, daytime hours.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted license to cover C. P., **1420 kc.**, 100 watts, daytime.

KELD—T. H. Barton, El Dorado, Ark.—Granted license to cover C. P., **1370 kc.**, 100 watts, unlimited.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of license to make changes in specified hours *from* 12:20 to 12:50 p. m. daily except Sundays; Mondays and Fridays, 8 to 9 p. m.; Sundays, 8:30 to 9:30 a. m.; *to* 11.25 a. m. to 12 noon daily except Sundays; Mondays, 8 to 9 p. m.; Sundays, 8:30 to 9:30 a. m.; Fridays, 4:30 to 5:30 p. m.

WLEZ—The Norfolk Daily News, Portable (Norfolk, Nebr.).—Granted modification of license (temporary broadcast pickup), to add frequencies **1622, 2060, 2790 kc.**

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted modification of license to increase power from 250 watts to 500 watts for auxiliary transmitter. (Station WCBA uses transmitter of WSAN as auxiliary on **1440 kc.**, 250 watts night, 250 watts day, S-WSAN.)

WSAN—WSAN, Inc., Allentown, Pa.—Granted modification of license to increase power of auxiliary transmitter from 250 watts to 500 watts for auxiliary transmitter.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted modification of license to change studio location to corner Nashville Highway (Route 64) and Stoney Creek Road, just outside of Rocky Mount city limits.

KCRC—Enid Radiophone Co., Enid, Okla.—Granted renewal of license, **1370 kc.**, 100 watts night, 250 watts day, shares equally with Station KGFG.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile (Miami, Fla.) (2 applications).—Granted C. P., frequencies **31100, 34600, 37600, 40600 kc.**, 2.5 watts, unlimited time.

NEW—Havens & Martin, Inc., Portable-Mobile (Richmond, Va.).—Granted C. P., frequencies **31100, 34600, 37600, 40600 kc.**, 20 watts, unlimited time.

NEW—Honolulu Broadcast Co., Inc., Portable-Mobile (Honolulu, T. H.).—Granted C. P., **31100, 34600, 37600, 40600 kc.**, 20 watts, unlimited time.

W2XIL-W2XIM—General Electric Co., Portable-Mobile (Schenectady, N. Y.).—Granted license to cover C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 2 watts.

KIKK—S. H. Patterson, Portable (Colorado Springs, Colo.).—Granted license to cover C. P. (temporary broadcast pickup), frequencies **1646, 2090, 2190, 2830 kc.**, 6.3 watts.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of license to change station from fixed to portable.

W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of license to change station from fixed to portable.

WNEI—Indianapolis Power & Light Co., Indianapolis, Ind. (Portable).—Granted modification of license to change frequencies to **1646, 2090, 2190 and 2830 kc.**

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGHF, Pueblo, Colo.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KGNO, Dodge City, Kans.; KID, Idaho Falls, Idaho; KIDO, Boise, Idaho; KLO, Ogden, Utah; KLRA, Little Rock, Ark.; KLS, Oakland, Calif.; KMO, Tacoma, Wash.; KOH, Reno, Nev.; KOMA, Oklahoma City, Okla.; KOY, Phoenix, Ariz.; KQV, Pittsburgh, Pa.; KRNT, Des Moines, Iowa; WKBW, Buffalo, N. Y.; WLAC, Nashville, Tenn.; WMBD, Peoria, Ill.; WNBR, Memphis, Tenn.; WSAI, Cincinnati; WSBT, South Bend, Ind.; WSPD, Toledo, Ohio; WTAQ, Eau Claire, Wis.; WTFI, Athens, Ga.; KALE, Portland, Ore.; KDEN, Casper, Wyo.; KECA, Los Angeles, Calif.; KFH, Wichita, Kans.; KFJR, Portland, Ore.; KGDY, Huron, S. Dak.; WAAB, Boston; WADC, Tallmadge, Ohio; WAWZ, Zarephath, N. J.; WBCM, Bay City, Mich.; WBNS, Columbus, Ohio; WCOA, Pensacola, Fla.; WCSC, Charleston, S. C.; WDRC, Hartford, Conn.; WFBC, Greenville, S. C.; WFBL, Syracuse, N. Y.; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHOM, Jersey City, N. J.; WHP, Harrisburg, Pa.; WIOD-WMBF, Miami, Fla.; WIRE, Indianapolis, Ind.; WHBL, Sheboygan, Wis.; WJSV, Alexandria, Va.; WROK, Rockford, Ill.; WSAN and auxiliary, Allentown, Pa.; WCBA and auxiliary, Allentown, Pa.; KXYZ, Houston, Tex.; KSO, Des Moines, Iowa; KTBS, Shreveport, La.; KTRH, Houston, Tex.; KTUL, Tulsa, Okla.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted renewal of license for the period ending April 1, 1936.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted renewal of license for the period ending April 1, 1936.

W3XDD—Bell Telephone Laboratories, Inc., Whippany (Morris Co.), N. J.—Granted renewal of special experimental station license for the period October 29, 1935, to expire January 29, 1936, in exact conformity with existing license.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of special experimental station license for the period November 1, 1935, to expire February 1, 1936.

WIEK-WIEL—Atlantic Broadcasting Corp., Portable-Mobile—Granted renewal of broadcast pickup station license for temporary service effective November 1, 1935, to expire November 1, 1936, in exact conformity with existing license.

WQER-WQET—Georgia School of Technology, Portable-Mobile.—Granted renewal of broadcast pickup station license for temporary service effective November 1, 1935, to expire November 1, 1936, in exact conformity with existing license.

WIEO-WIEW-WIEX-WMEF—National Broadcasting Co., Inc., Portable-Mobile.—Granted renewal of broadcast pickup station license for temporary service effective November 1, 1935, to expire November 1, 1936, in exact conformity with existing license.

WMFS—National Broadcasting Co., Inc., Portable-Mobile, Chicago.—Granted renewal of broadcast pickup station license for temporary service effective November 1, 1935, to expire November 1, 1936, in exact conformity with existing license.

WHER—Westinghouse Electric and Manufacturing Co., Portable-Mobile.—Granted renewal of broadcast pickup station license for temporary service effective November 1, 1935, to expire November 1, 1936, in exact conformity with existing license.

SET FOR HEARING

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Application for C. P. to install new equipment; increase power from 10 to 25 KW night, 10 KW day.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Application for modification of license to change frequency from **950 kc.** to **630 kc.**, power from 250 watts day to 250 watts day and night, and time from daytime to unlimited.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Application for modification of license to change power from 250 watts daytime to 250 watts night, and time of operation from daytime to unlimited.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Application for C. P. to install new equipment, increase day power from 1 to 5 KW, install new antenna.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Special experimental authority to operate on **710 kc.**, with power of 500 watts, unlimited time, to end of license period—February 1, 1936. (To be heard by the Broadcast Division.)

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Application for C. P. to make changes in equipment, increase day power from 100 to 250 watts, and install new antenna.

NEW—Continental Radio Co., Columbus, Ohio.—Application for C. P. for new station, **1310 kc.**, 100 watts, unlimited time; site to be determined.

WCBS—WCBS, Inc., Springfield, Ill.—Application for modification of license to change hours of operation from S. H. to unlimited.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—C. P. amended so as to read: **1200 kc.**, 100 watts, unlimited time.

MISCELLANEOUS

WMFO—James R. Doss, Jr., Decatur, Ala.—Denied special authority to operate from local sunset to 6 p. m., CST, Sundays during month of October.

WATR—The WATR Company, Inc., Waterbury, Conn.—Denied special temporary authority to operate from 7 to 10 p. m., EST, October 8, 1935.

NEW—Mutual Broadcasting System, Inc., New York City.—Granted extension of present temporary authority to furnish programs by wire to CKLW, Windsor, Canada, until 3 a. m.; November 1, 1935.

NEW—Golden Empire Broadcasting System, Redding, Calif.—Denied petition asking Commission to reconsider and grant without hearing application for new station to operate on **1200 kc.**, 100 watts, unlimited time.

WTMJ—The Journal Company, Milwaukee, Wis.—Denied petition asking Commission to reconsider and grant renewal of license. Application for renewal to be heard October 14, 1935.

WLEU—Leo J. Omelian, Erie, Pa.—Reconsidered and granted license to cover construction permit which was designated for hearing June 4, 1935.

ACTION ON EXAMINER'S REPORT

WMBH—Ex. Rep. No. 1-113: Joplin Broadcasting Co., Joplin, Mo.—Dismissed without prejudice application for special experimental authority, sustaining Examiner R. L. Walker.

ACTION ON EXAMINER'S REPORT TAKEN OCTOBER 1, 1935

WRJN—Ex. Rep. No. 1-94: Racine Broadcasting Corp., Racine, Wis.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts; **1370 kc.**, 100 watts night, unlimited time. Order effective November 5, 1935. Examiner P. W. Seward sustained.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Calif.—C. P., **850 kc.**, 250 watts, daytime.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license, **890 kc.**, 500 watts, unlimited time.

NEW—Dean R. Richardson, Watertown, N. Y.—C. P., **1340 kc.**, 250 watts, unlimited time.

APPLICATION DENIED

NEW—Chanute Broadcasting Co., R. B. Smith, R. E. Highley, C. M. Brobst, Partners, Chanute, Kans.—C. P., **1500 kc.**, 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance in accordance with Rule 48 (c).

APPLICATIONS RECEIVED

First Zone

WNYC—City of New York, Department of Plant and Structures,
810 New York, N. Y.—Construction permit to install new equipment; increase power from 1 KW to 5 KW to sunset, New York, and from sunset, New York, use 1 KW to sunset at Minneapolis; move transmitter from Centre and Duane Sts. to Victory Blvd. and Travis Ave., New Springville Park, N. Y. Amended to make antenna changes, omit request for 5 KW power, and move transmitter from Centre and Duane Sts., N. Y., to foot of Greenpoint Ave. and East River, Brooklyn, N. Y.

WELI—Patrick J. Goode, New Haven, Conn.—License to cover
900 construction permit (B1-P-80) as modified for a new station.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—
1450 License to cover construction permit (B1-P-3) for equipment changes and move of transmitter.

WIEH—Knickerbocker Broadcasting Co., Portable.—Modification of license to add frequencies **2150, 2060** and **2790 kc.**

WIEG—Knickerbocker Broadcasting Co., Portable.—Modification of license to add frequencies **1622, 2060** and **2790 kc.**

National Broadcasting Co., Inc., New York, N. Y.—Authority to transmit sustaining programs to foreign stations (Canada, Mexico, Cuba, and Puerto Rico).

Second Zone

WJR—WJR, The Goodwill Station, Detroit, Mich.—Authority to
750 determine operating power by direct measurement of antenna.

WJR—WJR, The Goodwill Station, Detroit, Mich.—License to
750 cover construction permit (B2-P-540) to make equipment changes and increase power from 10 KW to 50 KW.

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—Construction
1200 permit for a new station to be operated on **1200 kc.**, 100 watts night, 250 watts day, specified hours.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to transfer con-
1220 trol of corporation from Pitt Radio Corp. to Pitt Publishing Co., 10 shares of common stock.

WRAW—Reading Broadcasting Co., Reading, Pa.—Construction
1310 permit to install new equipment, move transmitter from 460 Schuylkill Ave. to 6th and Penn Sts., Reading, Pa.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—
1310 Modification of license requesting change of operating time from share WTEL one-third time to two-thirds time, if and when WTEL vacates **1310 kc.** WHAT not to operate when WCAM is operating.

NEW—WFIL Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 1 watt.

NEW—WFIL Broadcasting Co., Portable-Mobile.—License to cover above.

NEW—WFIL Broadcasting Co., Portable-Mobile.—Construction permit for a new station (general experimental) to be operated on **31100, 34600, 37600, 40600 kc.**, 1 watt.

NEW—WFIL Broadcasting Co., Portable-Mobile.—License to cover above.

NEW—Shenandoah Valley Broadcasting Corp., Portable-Mobile.—Construction permit for a new broadcast pickup station on **1622, 2060, 2150, 2790 kc.**, 60 watts.

Third Zone

NEW—J. W. Birdwell, Johnson City, Tenn.—Construction permit
1200 for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1370 kc.**, name from J. W. Birdwell & S. R. Jennings to J. W. Birdwell, transmitter site from corner Market and Roan Sts., Hotel John Sevier, Johnson City, Tenn., to site to be determined, Johnson City, Tenn., and make changes in equipment. To use directional antenna.

KFPM—Voice of Greenville, Greenville, Tex.—Construction permit
1310 to make equipment changes, increase power from 15 watts to 50 watts, change hours from specified to unlimited, change call letters to KVOG. Amended to change hours from unlimited to daytime.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Modifica-
1370 tion of construction permit (B3-P-18) authorizing changes in equipment and increase in day power from 100 watts to 250 watts, requesting to move transmitter site 1.1 mile, Jacksonville, Fla., and extend commencement date 30 days after grant and completion date 6 months thereafter.

NEW—Times Publishing Co., Publishers of Wichita Daily Times &
1420 Record News, Wichita Falls, Tex.—Construction permit for a new station, frequency between **550 kc.** and **1500 kc.**, 100 watts, unlimited time. Amended to change frequency from between **550 kc.** and **1500 kc.** to **1420 kc.**; transmitter site to be determined, Wichita Falls, Tex.; and make equipment changes.

NEW—A. E. Hughes, d/b as Valdosta Broadcasting Co., Valdosta,
1500 Ga.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime. Amended to change time from daytime to unlimited and make changes in equipment.

WIEF—Miami Broadcasting Co., Inc., Miami, Fla.—Modification of license to add frequencies **1646, 2090, 2190** and **2830 kc.**, and delete **1622 kc.** and **2150 kc.**

KILB—International Broadcasting Corp., Portable.—Modification of license to add frequencies **1646, 2090, 2190, 2830 kc.** Delete **2150 kc.**

Fourth Zone

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—License
670 to use old main transmitter for auxiliary purposes.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Construction
740 permit for changes in equipment and increase in power from 1 KW to 2½ KW. Amended to make changes in antenna.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Modi-
1020 fication of license to change from specified hours daytime to unlimited daytime.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy.,
1300 Saint Cloud, Minn.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 Construction permit to install new equipment and increase power from 250 watts night, 500 watts day, to 1 KW day and night.

KLPM—John B. Cooley, Minot, N. Dak.—Voluntary assignment
1240 of license to Northwest Radio Service, Inc. (Lessee).

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 License to cover construction permit (B4-P-178) as modified for a new station.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau
1310 Claire, Wis.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City,
1330 Iowa.—Construction permit to install auxiliary equipment for emergency operation, using 50 watts power. Amended to operate on 250 watts instead of 50 watts.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City,
1330 Iowa.—Construction permit to make changes in equipment. Amended to make antenna and equipment changes; move transmitter from First and Bluff Sts., Sioux City, Iowa, to Sioux City, Iowa; increase hours of operation from simultaneous day WTAQ, specified hours night, to unlimited time; and power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

NEW—C. E. Wilkinson, Mason City, Iowa.—Construction permit
1370 for a new station to be operated on **13.70 kc.**, 100 watts, unspecified hours. Amended to change frequency from **13.70 kc.** to **1370 kc.**; time from unspecified hours to unlimited; make equipment changes; change transmitter site from 2 miles west of Mason City, Iowa, to center of business district, Mason City, Iowa.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Modifica-
1370 tion of license to change hours of operation from share WJBC to unlimited, and frequency from **1200 kc.** to **1370 kc.**

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Authority to
1410 transfer control of corporation from Rockford Broadcasters, Inc., to Rockford Consolidated Newspapers, Inc., 255 shares of common stock.

WHFC—WHFC, Inc., Cicero, Ill.—Construction permit to install
1420 new equipment and increase day power from 100 watts to 250 watts. Amended to make antenna and equipment changes.

WJER—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to add the frequencies **2020** and **2760 kc.**

KIFI—George W. Young, Minneapolis, Minn.—Modification of license to add frequencies **2060** and **2790 kc.**

KIFF—Missouri Broadcasting Corp., St. Louis, Mo.—Modification of license to include frequencies **2060** and **2790 kc.**

Fifth Zone

KVL—KVL, Inc., Seattle, Wash.—Construction permit to make
1070 changes in equipment; change frequency from **1370 kc.** to **1070 kc.**; power from 100 watts to 250 watts; hours of operation from share KRKO to daytime only. Amended to make changes in antenna.

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construc-
1100 tion permit (B5-P-14) authorizing move of transmitter and increase in power, requesting extension of completion date to 12-16-35.

NEW—E. E. Long Piano Co., a partnership of R. R. Long, E. A.
1200 Van Vechten, and P. G. Green, San Luis Obispo, Calif.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—Alex F. Suss, Marysville, Calif.—Construction permit for a
1210 new station to be operated on **1210 kc.**, 100 watts, unlimited time.

NEW—Cache Valley Broadcasting Co., Logan, Utah.—Construc-
1370 tion permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited time.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Modifi-
1400 cation of construction permit (B5-P-552) as modified for a new station, requesting change in frequency from **1420 kc.** to **1400 kc.**, power from 100 watts to 250 watts, install new equipment, extend commencement date to 60 days after grant and completion date to 6 months thereafter.

KDON—Richard Field Lewis, Del Monte, Calif.—Voluntary assignment of construction permit from Richard Field Lewis to Monterey Peninsula Broadcasting Co.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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THE ALLOCATION SITUATION

Current speculation relative to the plans of the Federal Communications Commission for revising its Rules and Regulations concerning allocation of broadcasting facilities has prompted several member stations to request further information. Particular interest centers about the expected report and recommendations of the FCC Engineering Department to the Commission based on the survey of secondary coverage conducted earlier this year.

Except for the addition of the three high-fidelity experimental broadcasting channels, there has been no modification of the allocation system established in 1928. At that time, 40 clear channels, 40 regional channels, 4 high-power regional channels and 6 local channels were established and certain standards of interference, geographical separation, etc., were set up for governing the assignments to individual stations operating on the various channels. The system admittedly has provided an arrangement of broadcasting stations rendering a high degree of public service. There have been, however, continual attacks on the wisdom of setting aside 40 channels for clear channel use.

In August, 1934 (NAB Reports, August 8, 1934), a group of thirteen independently owned clear channel broadcasting stations jointly petitioned the Federal Communications Commission asking for an investigation of clear channel service and a re-statement of policy concerning them. The Commission was requested to embark upon an investigation of secondary coverage and other technical phases of service rendered by clear channel stations.

Contrary to most expectations, the Commission on October 30, 1934, announced its intention to conduct a thorough investigation of secondary coverage. Following several informal conferences, a plan was formulated for a cooperative survey, under the general supervision of the FCC Engineering Department, financed by clear channel licensees and by the Commission.

The survey comprised a mail survey of rural listeners, a personal interview of rural and small town listeners in conjunction with field intensity surveys, both conducted by the FCC; and the operation of 58 fixed recording field intensity meters financed by contributions from the majority of clear channel licensees (estimated cost: $50.000).

The field intensity recorders, maintained in ten locations throughout the United States, began operating shortly after February 1, 1935, and continuously recorded signal intensities of clear channel stations until May 31, 1935. The tremendous task of compiling and analyzing the large amount of data has at the present time reached about 75 per cent completion.

It is expected that the compilation of data will be finished in four to six weeks from the present date. Allowing another month for the Engineering Department to prepare its final report and recommendations would mean that the Commission should receive the Engineering Department proposals during the middle of the month of December, 1935.

As it seems highly doubtful that such modifications in the broadcasting system as may be proposed can be put into effect through a change in the FCC Rules and Regulations without a general hearing, it is reasonable to expect that the Commission will conduct a hearing after allowing a reasonable length of time for the parties concerned to prepare for it. It would seem that at least a month will be required after the hearing for the Commission to hand down its decision. From these considerations, it appears highly improbable that a final declaration of Commission policy will be forthcoming before April, 1936, and possibly not then.

As most of the anticipated recommendations of the Engineering Department involve new construction, for some of which development work is incomplete, it seems safe to estimate the time required for putting into effect the changes of Rules and Regulations, if any, to be not less than two years from the present date.

While the filing of applications for facilities expected to be created is, of course, premature, it is recommended that station managers observe carefully the developments within the next few months, all of which will be outlined promptly in NAB Reports.

Although the report and recommendations of the Engineering Department have not passed the discussion stage and have not as yet been reduced to writing, an informed estimate of their principal features would include the following recommended changes in existing Rules and Regulations:

1. Reduction of the number of clear channels from 40 to about 25, and the removal of the 50-kilowatt restriction on power to allow the use of 500 kilowatts or more.
2. On the remaining 15 channels at present known as clear channels, the use of 50 kilowatts at the dominant station with duplication when such duplicated operation will not interfere with the service of the dominant station according to standards for this purpose to be set up by the Commission.
3. Horizontal increases of night power to 5 kilowatts by stations operating on certain of the regional frequencies having adequate geographical separation between stations.
4. On regional frequencies having less than normal geographical separation between stations, the adjustment of distance tables so that more or less uniform separations may exist throughout the country. There is some thought of separate distance tables for each frequency.
5. Opening of 1510 kilocycles for 100-watt stations, making room for about 50 such stations which may be required to adhere to certain specifications regarding antennas.
6. Continuation for the time being of the experimental high-fidelity broadcasting channels 1530, 1550 and 1570 kilocycles.
7. The net result is expected to amount to a revision of the Rules and Regulations applicable to power and equipment including antennas; and it is expected that there will be few if any changes in frequency assignments.

NAB BOARD MEETS

The Board of Directors of the National Association of Broadcasters has been scheduled to meet at the St. Regis Hotel, New York City, Thursday, October 17, 1935.

FEDERAL TRADE COMMISSION ACTION

Stipulations 1488 to 1491, Inclusive

Two companies and two individuals selling various commodities in interstate commerce have entered into stipulations with the Federal Trade Commission to abandon unfair practices in the sale of their goods.

The parties entering stipulations are: Murray L. Linday, of New York City, selling a hair preparation; Cecil O'Banion, of Canmer, Ky., a dealer in tobacco seed; F. Jacobson & Sons, New York City, shirt manufacturers; and Clean Home Products, Inc., of Chicago, selling a cleaning fluid.

No. 1488. Murray L. Linday, trading as Linday Laboratory, agreed to stop representing that most forms of scalp trouble would be eliminated by use of "Linday's New Hair Compound," and that lost hair would be regrown, and other similar representations. The stipulation says that these assertions were material misrepresentations having a tendency to deceive the purchasing public.

No. 1489. Cecil O'Banion, engaged in the growing and production of tobacco seed, will no longer use in advertising matter the words "Halley's Special," as applied to tobacco seed, in any way which may tend to deceive buyers into believing that the seeds so described are produced by Dr. Samuel H. Halley or his successors. Dr. Halley, according to the stipulation, was engaged in growing tobacco seeds and experimented for the improvement of various strains, originating a type of burley tobacco which had desirable qualities, demand, and good will.

No. 1490. F. Jacobson & Sons, shirt manufacturers, will cease advertising that they are custom shirt makers and will stop use of the words "custom shirt makers" in any way which may tend to deceive buyers. According to the stipulation, the shirts sold by this firm and referred to in the stipulation were "ready-made."

No. 1491. Clean Home Products, Inc., agrees to abandon use of the phrase "No Stain" on labels affixed to its product "Paris Dry Cleaner" implying that application of the fluid to certain fabrics will not result in appearance of a stain, mark or ring on the materials. The corporation also agrees to stop using on labels any representations to the effect that a spot can be removed from fabrics and materials to which the liquid is applied, when this is not true.

WWAE LICENSE RENEWAL RECOMMENDED

Broadcasting Station WWAE, operating on a frequency of 1200 kilocycles, 100 watts power, and sharing time with WFAM, applied to the Federal Communications Commission for license renewal.

Examiner R. H. Hyde, in Report No. I-118, recommended that the renewal license be granted. The Examiner states that "the service of Station WWAE, as a whole, may be characterized as a local metropolitan service of acceptable quality, but certain commercial broadcasts identified as 'Dr. Schyman' and 'Pur-Erb' products contained fraudulent representations and were in fact inimical to the public interest. The present service, which the applicant proposes to continue, appears to meet the requirement that the station serves the public interest."

SECURITY ACT REGISTRATIONS

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

Ludlum Steel Company, Watervleit, N. Y. (2-1687, Form A-2)
Poulin Gold Mines, Ltd., Montreal, Canada. (1-1688, Form A-1)
Electric Smelters, Inc., Central City, Colo. (2-1690, Form A-1)
Coulson Consolidated Gold Mines, Ltd., Toronto, Canada. (2-1691, Form A-1)
Lewis American Airways, Inc., Denver, Colo. (2-1692, Form A-1)
Calway Corporation, Houston, Tex. (2-1692, Form A-1)
Frye Investment Company, Seattle, Wash. (2-1694, Form E-1)
Blackburn-Pattison Mines, Ltd., Toronto, Canada. (2-1695, Form A-1)
Texla Oil Corporation, San Antonio, Tex. (2-1696, Form A-1)

WBHS DISMISSAL RECOMMENDED

Broadcasting Station WBHS, Huntsville, Ala., operating on a frequency of 1200 kilocycles, 100 watts power, and 6/7 time, applied to the Federal Communications Commission for daytime hours and permission to move to Chattanooga.

Examiner P. W. Seward, in Report No. I-119, recommended that the application be dismissed with prejudice. The Examiner states that at the hearing counsel representing the applicant made a motion that the application be dismissed.

RECOMMENDS NEW MICHIGAN STATION

The Wayne Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a broadcasting station at Hamtramck, Mich., using 1370 kilocycles, 100 watts power, and daytime hours.

Examiner P. W. Seward, in Report No. I-117, recommends that the application be granted. The Examiner found that there is a need in the area "for additional daytime service." It is stated that the proposed station "would limit the primary service area of Station WIBM . . . but that said interference would be considered slight as compared to the benefits resulting to the proposed area served." The Examiner states also that construction of the proposed new service would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, October 24, 1935

HEARING BEFORE THE BROADCAST DIVISION

WLWL—Missionary Society of St. Paul the Apostle, New York, N. Y.—Modification of license, **810 kc.,** 5 KW, unlimited time (requests facilities of WNYC and WCCO). Present assignment: **1100 kc.,** 5 KW, specified hours.

WNYC—City of New York, Department of Plants and Structures, New York, N. Y.—Renewal of license, **810 kc.,** 500 watts, daytime.

WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Renewal of license, **810 kc.,** 50 KW, unlimited time.

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.,** 10 KW, specified hours.

WWL—Loyola University, New Orleans, La.—Extension of special authority; **850 kc.,** 10 KW, unlimited time. Present assignment: **850 kc.,** 10 KW, specified hours, S.A. for unlimited time.

KWKH—International Broadcasting Corp., Shreveport, La.—Renewal of license, **850 kc.,** 10 KW, specified hours.

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Renewal of license, **800 kc.,** 50 KW, share with WFAA.

WFAA—A. H. Belo Corporation, Dallas, Tex.—Renewal of license, **800 kc.,** 50 KW, share with WBAP.

WOV—International Broadcasting Corp., New York, N. Y.—Renewal of license, **1130 kc.,** 1 KW, daytime.

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Renewal of license, **1100 kc.,** 5 KW, specified hours.

WOV—International Broadcasting Corp., New York, N. Y.—C. P., **1130 kc.,** 1 KW, unlimited except from 6 to 8 p. m., except hours assigned to WLWL on **1100 kc.** Present assignment: **1130 kc.,** 1 KW, daytime, 6 a. m. to 6 p. m.

WJJD—WJJD, Inc.—Modification of license, **1130 kc.,** 5 KW after sunset, Salt Lake City; 20 KW 6 a. m. to 8:30 p. m., specified hours. Present assignment: **1130 kc.,** 20 KW, limited time.

NEW—J. David Stern, New York, N. Y.—C. P., **810 kc.,** 500 watts, 6 a. m. to sunset of WCCO (requests facilities of WNYC).

APPLICATIONS GRANTED

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted C. P. to make changes in equipment.

NEW—J. B. Roberts, Gastonia, N. C.—Granted C. P. for new station, **1420 kc.,** 100 watts, unlimited; transmitter and studio location to be determined subject to Commission's approval.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif. —Granted renewal of license for a period of 60 days; **1360 kc.,** 1 KW, unlimited.

KGIR—KGIR, Inc., Butte, Mont.—Granted renewal of license, **1340 kc.,** 1 KW, 1½ KW from local sunrise to local sunset only, unlimited time.

WNEW—Wodaam Corp., Newark, N. J.—Granted renewal of license, **1250 kc.,** 1 KW, with an additional 1½ KW from local sunrise to local sunset only; shares with WHBI. WHBI 1/7 time and 6/7 time WNEW.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted renewal of license for a period of 60 days; **1330 kc.,** 1 KW, unlimited.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to operate synchronously with station WBBM from local sunset at Lincoln to midnight, from September 1, 1935, to February 1, 1936.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of C. P. to extend completion date to 12-18-35.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted license to cover C. P.; **670 kc.,** 50 KW, unlimited time.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted license to cover C. P.; **620 kc.,** 1 KW night, 5 KW day, unlimited time.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted license to cover special temporary authority to use the formerly licensed main transmitter as auxiliary transmitter of station WISN, to be operated with power of 250 watts at 1217 W. Wisconsin Ave., Milwaukee, Wis.

WKBV—KNOX Radio Corp., Richmond, Ind.—Granted C. P. to move transmitter location 279 feet on U. S. Highway 27, which is approximately 2 miles north of Richmond, and install new radiating system.

NEW—Shenandoah Valley Broadcasting Corp., Portable-Mobile (Harrisonburg, Va.).—Granted C. P. (B/C Temp.), frequencies **1622, 2060, 2150, 2790 kc.,** 60 watts.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted C. P. to install an auxiliary 3-KW transmitter.

NEW—WCAU Broadcasting Co., Portable-Mobile (Philadelphia, Pa.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 50 watts.

NEW—WKY Radiophone Co., Oklahoma City, Okla.—Granted C. P. (exp. gen. exp.), frequencies **31600, 35600, 38600, 41000 kc.,** 100 watts.

NEW—Ben S. McGlashan, Portable-Mobile, Los Angeles, Calif.—Granted C. P. (exp. gen. exp. B/C pickup), frequencies **31100, 34600, 37600** and **40600 kc.,** 100 watts.

NEW—Ben S. McGlashan, Los Angeles, Calif.—Granted C. P. (exp. gen. exp.), frequencies **31600, 35600, 38600** and **41000 kc.,** 100 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KSCJ, Sioux City, Iowa; WBIG, Greensboro, N. C.; WCKY, Covington, Ky.; WEVD, New York City.; WGAR, Cleveland, Ohio; WHIS, Bluefield, W. Va.; WKBH, La Crosse, WIS.; WSAR, Fall River, Mass.; WSMK, Dayton, Ohio.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted renewal of license for auxiliary for period ending April 1, 1936.

WCAD—St. Lawrence University, Canton, N. Y.—Granted renewal of license for period ending April 1, 1936.

SET FOR HEARING

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Application for C. P. to install new equipment, increase day power from 100 to 250 watts.

NEW—F. W. Atkinson, Watsonville, Calif.—Application for C. P. for new station, **1310 kc.,** 250 watts, daytime. site to be determined.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Application for C. P. to make changes in equipment; change power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, and unlimited time.

NEW—Continental Radio Co., Toledo, Ohio.—Application for C. P. for new station, **1210 kc.,** 100 watts night, 250 watts day, unlimited time, transmitter and studio location to be determined with Commission's approval.

NEW—A. W. Hayes, Erie, Pa.—Application for C. P. for new station (resubmitted and amended) requests directional antenna for night time only; **1270 kc.,** 500 watts night, 1 KW day, unlimited.

NEW—A. O. Jenkins, Jacksonville, Fla.—Application for C. P., already in hearing docket, amended to read: **1200 kc.,** 100 watts, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Application for C. P., already in hearing docket, amended so as to read: **1230 kc.,** 250 watts night, 500 watts day, unlimited.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for modification of license, already in hearing docket, amended to read: **1370 kc.,** 100 watts, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—Application for voluntary assignment of license from Carl E. Haymond to Valley Broadcasters, Inc.

NEW—C. A. Rowley, Ashtabula, Ohio.—Application for C. P. for new station, **1200 kc.,** 100 watts, daytime.

NEW—Clyde E. Britton, Lima, Ohio.—Application for C. P. for new daytime station, **950 kc.,** 250 watts.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-46: The Journal Company, Milwaukee, Wis.—Denied C. P. for new station to operate on **1010 kc.,** 1 KW, unlimited time. Examiner R. H. Hyde sustained. Order effective November 26, 1935.

NEW—Ex. Rep. No. 1-78: Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted C. P. for new station, **1370 kc.,** 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective November 26, 1935.

WWJ—Ex. Rep. No. 1-109: The Evening News Assn., Inc., Detroit, Mich.—Granted C. P. to move transmitter, install new equipment, and increase power from 1 KW day to 5 KW day; **920 kc.,** 1 KW night, unlimited time. Examiner Geo. H. Hill sustained. Order effective November 19, 1935.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted C. P. to make changes in equipment, move transmitter and studio, and increase day power from 500 watts to 1 KW. Examiner Hill sustained. Order effective November 19, 1935.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WSCN—Ormand O. Black and Mary Collett Black, Birmingham, Ala.—C. P., **590 kc.,** 1 KW, unlimited time.

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—C. P. for special experimental station, **42000, 56000, 60000, 86000 kc.,** 250 watts, unlimited time.

APPLICATIONS DENIED

The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance in accordance with Rule 48 (c):

NEW—Palmer Broadcasting Syndicate, Inc., Cheyenne, Wyo.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Clark Standiford, Fresno, Calif.—C. P., **1370 kc.,** 100 watts, daytime.

MISCELLANEOUS

WDRC—WDRC, Inc., Hartford, Conn.—Denied request for special temporary authority to operate with 5 KW daytime, using present antenna system, for period October 8, 1935, and continuing until new antenna system is completed.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Reconsidered and set aside order of September 17, 1935, granting application for full time operation and granted temporary license for period not to exceed 90 days. In meantime WHIO, Dayton, and WNBX must conduct field strength tests to determine with accuracy questions of interference and stations must submit report of tests to Commission.

NEW—Paul Heitmeyer, Salt Lake City, Utah.—Denied motion to strike from record petition of intervention filed on behalf of KSL, Salt Lake City.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted rehearing before Broadcast Division on application for renewal of license to be held January 14, 1936, to provide opportunity to applicant to present any additional or new testimony. Effective date of Commission's decision denying renewal postponed indefinitely.

KSL—Radio Service Corp. of Utah., Salt Lake City, Utah.—Granted petition to intervene and become a party to hearing of application of Mountain States Broadcasting Corp. for new station at Salt Lake City; also granted petition to intervene at hearing of application of Paul Heitmeyer for new station at Salt Lake City.

NEW—J. C. and E. W. Lee, d/b as Riverside Broadcasting Co., Riverside, Calif.—Denied request that Commission immediately consider application for new station and grant the same in accordance with Examiner's Report filed May 17, 1935. Applicant seeks to erect new station to operate on **820 kc.,** 250 watts, daytime. Immediate action impossible because application of Metro Broadcasting Co. for new station at East Los Angeles, on same frequency, not disposed of.

KMJ—James McClatchy Company, Fresno, Calif.—Granted petition to intervene and be made party respondent in opposition to the applications of Harold H. Hanseth, Docket No. 2911; Miles J. Hansen, Docket No. 2981; Clark Standiford, Docket No. 3010; and Julius Brunton & Sons So., Docket No. 3165, for new stations.

APPLICATIONS RECEIVED

First Zone

NEW—Northern Commercial Co., Fairbanks, Alaska.—Construction permit for a new station to be operated on **550 kc.,** 250 watts, unlimited time.
550

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Construction permit to install a new 250-watt transmitter.
570

WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—Authority to transfer control of corporation from Babson's Statistical Organization, Inc., to Geo. A. Crockwell, Wm. H. Eynon, and James K. Phelan, 1,000 shares common stock.
920

WCOP—Joseph M. Kirby, Boston, Mass.—Modification of license to change frequency from **1120 kc.** to **1130 kc.;** hours of operation from daytime to specified hours (daytime and from local sunset to 8 p. m., EST), using 500 watts. Amended to change hours of operation from specified hours to limited until local sunset at KSL, Salt Lake City, Utah.
1130

1270 NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Construction permit for a new station to be operated on **1270 kc.,** 250 watts, daytime.

1430 WHEC—WHEC, Inc., Rochester, N. Y.—Construction permit to install new equipment (also antenna) and move transmitter from 65 Broad St., Rochester, N. Y., to 183 Main St., East Rochester, N. Y.

WKEM—Hearst Radio, Inc., New York, N. Y.—Modification of license to add frequencies **2060** and **2790 kc.**

WLEB—WOKO, Inc., Albany, N. Y.—Modification of license to add frequencies **2090, 2190** and **2830 kc.**

WJEP—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Modification of license to delete frequencies **1622, 2060, 2150, 2790 kc.,** and add **1606, 2020, 2102, 2760 kc.**

W2XHI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit for a new general experimental station to extend date of commencement to 1-27-36 and date of completion to 4-27-36.

Second Zone

880 WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit to install new equipment, increase power from 250 watts to 500 watts day and night. Amended: Equipment changes.

1200 WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Construction permit to make changes in equipment.

1200 WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Modification of license to change frequency from **1500 kc.** to **1200 kc.**

1270 WASH—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich. —Construction permit to install new transmitter, increase power from 500 watts to 1 KW; antenna changes. Amended: Transmitter site to be determined.

1270 WOOD—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich. —Construction permit to make equipment changes, increase power from 500 watts to 1 KW; antenna changes. Amended: Transmitter site to be determined.

1350 WCMI—Ashland Broadcasting Co., Ashland, Ky.—Construction permit to install new equipment; change frequency from **1310 kc.** to **1350 kc.,** or any frequency FCC deems best; increase power from 100 watts to 1 KW day and night. Amended: Requesting frequency of **1350 kc.**

1420 WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Construction permit to make changes in equipment, increase day power from 100 watts to 250 watts. Consideration under Rule 6.

1450 WGAR—The WGAR Broadcasting Company, Cleveland, Ohio.—Authority to transfer control of corporation from G. A. Richards, Leo. Fitzpatrick, John F. Patt, and P. M. Thomas to WJR, The Goodwill Station (a Michigan corporation), 1,000 shares of common stock.

WKFB—The Evening News Association, on aircraft.—Modification of license to add frequencies **1606, 2020, 2102,** and **2760 kc.,** and delete frequency **2150 kc.**

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—Construction permit for special experimental station to be operated on **42000-56000, 60000-86000 kc.,** 250 watts.

W3XE—Philadelphia Storage Battery Company, Philadelphia, Pa. —Assignment of radio station license from Philadelphia Storage Battery Co. to Philco Radio & Television Corporation.

NEW—Scranton Broadcasters, Inc., Portable.—Construction permit for new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000-400000 kc.,** 100 watts. Amended to delete frequencies **86000-400000 kc.**

Third Zone

580 NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broadcasters, Rossville, Ga.—Construction permit for a new station to be operated on **580 kc.,** 250 watts, daytime.

600 NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broadcasters, Johnson City, Tenn.—Construction permit for a new station to be operated on **600 kc.,** 250 watts, daytime.

1250 NEW—C. G. Hill, Geo. D. Walker, Susan H. Walker, Winston Salem, N. C.—Construction permit for a new station to be operated on **1250 kc.,** 250 watts, daytime.

1310 KFPL—C. C. Baxter, Dublin, Tex.—Modification of construction permit (B3-P-345) authorizing changes in equipment; increase in power; transmitter site and antenna to be determined; requesting extension of commencement date from 6-16-35 to 12-17-35, and completion date from 12-16-35 to 6-17-36.

1310 WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—License to cover construction permit (B3-P-376) as modified for a new station.

1330 NEW—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Construction permit for a new station to be operated on **1330 kc.,** 1 KW, unlimited time. Amended to change name from Caller Times Publishing Co. to Gulf Coast Broadcasting Co.; change power from 1 KW to 250 watts, 500 watts day; and make equipment changes.

1420 WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals, Ala.—Modification of license to move studio from corner 2nd Street and Woodward Ave., Highland Park, Muscle Shoals, Ala., to Mezzanine Floor of Sheffield Hotel, corner 5th Street and Montgomery Ave., Sheffield, Ala.

KIJG—Eagle Broadcasting Co., Inc., Mobile.—Modification of license to add frequencies **1622, 2060, 2790 kc.**

Fourth Zone

570 WNAX—The House of Gurney, Inc., Yankton, S. Dak.—License to cover construction permit (B4-P-172) as modified to make changes in equipment, increase power, and move transmitter.

1340 KGDY—The Voice of South Dakota, Huron, S. Dak.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power. Amended to make changes in antenna.

1420 NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—Construction permit for a new station on **1420 kc.,** 100 watts night, 250 watts day, unlimited time. Amended to decrease day power from 250 watts to 100 watts.

Fifth Zone

560 KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification of construction permit (5-P-B-3274) as modified for approval of transmitter site at Pecos and Jewell Sts. (outside city limits), Denver, Colo. (same as now licensed), and extend commencement date from 8-24-35 to 60 days after grant and completion date 180 days thereafter. Amended to change transmitter site to near Denver, Colo., and approval of antenna.

920 KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of license to increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day. Amended: Change frequency from **1270 kc.** to **920 kc.** contingent upon granting of KOMO's application for **760 kc.**

1200 NEW—Ventura County Star, Inc., Merced Star Publishing Co., Inc., Ventura, Calif.—Construction permit for a new station to be operated on **1200 kc.,** 250 watts, daytime.

1200 NEW—Tulare-Kings Counties Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Construction permit for a new station to be operated on **1200 kc.,** 250 watts, daytime.

1210 NEW—John A. Stump, Fairbanks, Alaska.—Construction permit for a new station to be operated on **1210 kc.,** 50 watts, specified hours. Amended to change power from 50 watts to 100 watts, 250 watts day; hours of operation from specified hours to unlimited; changes in equipment and antenna, giving transmitter site to be determined.

1420 NEW—Union-Tribune Publishing Co., San Diego, Calif.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts night, 250 watts day, unlimited time.

1450 KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to change frequency from **1370 kc.** to **1450 kc.;** power from 100 watts to 1 KW; install new equipment and move transmitter from Second and Rose Sts., Walla Walla, Wash., to County Road and College Ave., Walla Walla, Wash. Amended to change frequency from **1450 kc.** to **1250 kc.**

NEW—Don Lee Broadcasting System, Portable-Mobile, Los Angeles, Calif.—Construction permit for general experimental station to be operated on **31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 100 watts. Amended to delete frequencies **86000-400000, 401000 kc.** and above.

NEW—Don Lee Broadcasting System (Portable-Mobile), San Francisco, Calif.—Construction permit for general experimental station to be operated on **31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 100 watts. Amended to delete frequencies **86000-400000, 401000 kc.** and above.

KIFT—Julius Brunton & Sons Co., Portable and Mobile.—Modification of license to add frequencies **1622, 2060** and **2790 kc.**

KIEL—Fisher's Blend Station, Inc., Portable in Washington State. —Modification of license to add frequencies **1606, 2020, 2102, 2760 kc.** Delete **1622** and **2150 kc.**

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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ASCAP TRIAL JANUARY 6

NAB Headquarters was advised this week that the Government will resume the trial of the case United States vs. American Society of Composers, Authors and Publishers on January 6, 1936.

NAB BOARD MEETS

The Board of Directors of the National Association of Broadcasters held a meeting in New York City on October 17, 1935. The agenda for the meeting included, in addition to the regular routine matters, reports on Federal and State legislation, state litigation and ASCAP. The ASCAP problem will be the subject of a personal letter to the members.

BOARD SELECTS CHICAGO FOR NEXT CONVENTION

The NAB Board of Directors at a meeting held on October 17, selected the City of Chicago, Illinois, as the place for the next annual membership meeting of the National Association of Broadcasters. The directors agreed that the convention should be held during the last half of July after the Democratic and Republican National Conventions. The exact date and the hotel are to be agreed upon by the members of the Executive Committee.

NORMA-LITE REDUCING TABLETS

The Norma-lite Company of Des Moines, Iowa, has sent out a circular letter concerning the product Norma-lite, a reducing tablet, soliciting radio time on a contingent basis and requesting prompt consideration by stations "so we can complete early arrangements and provide continuities which have had the OK of the Federal Radio Commission."

The statement concerning approval by the Federal Radio Commission of continuities is misleading. The Federal Communications Commission does not approve or disapprove radio continuities and member stations are cautioned against any such statement made by any advertiser. Further, the proposal submitted by the Norma-lite Company is in direct conflict with the provisions contained in Paragraph 6 of the NAB Code of Ethics which prohibits the acceptance of any business on a cost per inquiry, contingent or percentage basis.

WILL ROGERS MEMORIAL

James W. Baldwin, Managing Director, this week mailed to stations suggested continuities to be used by all stations in informing the public concerning the Will Rogers Memorial Fund. Stations are urged to give their fullest cooperation in this matter.

ANSWER IN WDAS CASE FILED THIS WEEK

James W. Baldwin, Managing Director, conferred this week in Philadelphia with the lawyers engaged in the trial of the case brought by Fred Waring against the WDAS Broadcasting Station, Inc. (See NAB REPORTS, Vol. 3, No. 45.) This case is of the greatest importance to the members of the Association. The NAB is represented in the case by William A. Schnader, former Attorney General of the State of Pennsylvania. The answer will be filed on Saturday of this week. Every effort has been made to perfect the record in the case so as to fully protect the interests of the members in any appellate action.

MEMBERSHIP APPLICATIONS APPROVED

The Board of Directors, at a meeting held on October 17, approved the following applications for membership in the Association: Station WTAD, Illinois Broadcasting Corporation, Quincy, Illinois; Station WNEL, Juan Piza, San Juan, Puerto Rico; Station WMFR, Hart and Nelson, High Point, North Carolina; Station WBNY, Roy L. Albertson, Buffalo, New York; Station WCPO, Scripps-Howard Newspapers, Cincinnati, Ohio.

McNARY GRANTED LEAVE OF ABSENCE

James W. Baldwin, Managing Director, announced this week that James C. McNary, Technical Director of the NAB, has been given a leave of absence to act as technical adviser to the clear channel group in connection with the study being given to the secondary coverage survey by the FCC.

This secondary coverage survey was undertaken more than a year ago under a cooperative arrangement between the FCC and a group of stations.

At the second conference held in November 1934, between representatives of the Commission and the stations, Mr. McNary was designated as coordinator by all participants and has been closely identified with the collection of technical data since that time.

The fact-finding survey having been completed, the next step involves interpretations of the data which have been collected. To perform this task, certain of the participating stations have requested that Mr. McNary be relieved by the NAB so that he may devote his full time in their interests. It was explained by Mr. Baldwin that under this arrangement the NAB is not committed to any proposals which may be made.

Mr. McNary was granted a leave of absence commencing October 21, 1935.

FCC AMENDS RULE 131

The FCC this week adopted the following modification to Rule 131:

"Rule 131 (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the location of the station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station.

"(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice.

"(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns except upon written application to and authority from the Commission.

"(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to Section 303 (q) of the Communications Act of 1934.

The Commission issued the following release describing the amended rule:

Minimum Antenna Heights Required for Broadcast Stations Pursuant to Rule 131

"A review of the antenna systems employed by broadcast stations reveal that there are now many antennas in use that the radiating efficiency does not comply with the requirements of good engineering practice. In many cases a material improvement in the coverage of the station could be accomplished by erecting an efficient radiating system. This increase in coverage may be more than could be accomplished by doubling the power.

"It is the obligation of the licensee of every station to make efficient usage of the assignment granted by the Commission. It is not the intention of the Commission at this time to require all stations with questionable radiating systems to install antennas having the required efficiency, but it is the intention not to grant additional facilities to licensees of broadcast stations unless they are making efficient usage of the assignment already granted. That is, the licensee of a broadcast station requesting more power, change in time of operation, different frequency, or move of the transmitter, must have an antenna for the assignment requested that meets with the minimum requirements before favorable consideration will be given.

"The attached graph shows the minimum physical height of antenna proper or minimum effective field intensity that stations must have before additional facilities will be granted.

"These minimum actual physical vertical heights of antennas permitted to be installed are shown by curves A, B, C, and D of Figure 1 as follows:

A—Local Channel Stations, 100 watts night and day or 100 watts night and 250 watts day, or a minimum effective field intensity at one mile of 40 mv/m for 100 watts.

B—Regional Channel, limited time, day, etc., Stations 250 watts to 1000 watts night and day, or a minimum effective field intensity at one mile of 150 mv/m for 1 kilowatt.

C—All stations other than Dominant Clear Channel Stations having an operating power night or day greater than one kilowatt and less than 25 kilowatts, or a minimum effective field intensity at one mile of 175 mv/m for one kilowatt.

D—All Dominant Clear Channel Stations and all other stations having a maximum operating power night or day of over 10 kilowatts, or a minimum effective field intensity at one mile of 200 mv/m for one kilowatt.

"The heights given on the graph for the antenna apply regardless of whether the antenna is located on the ground or on a building. Except for the reduction of shadows locating the antenna on a building does not necessarily increase the efficiency. In applying these curves the maximum operating power shall determine which curve is applicable.

"In case it is contended that the required antenna efficiency can be obtained without antennas of the height specified, a complete field intensity survey must be supplied to the Commission showing that the field intensity at a mile without attenuation fulfills at least the minimum requirements. This field survey must be made by a qualified engineer using equipment of acceptable accuracy.

"To obtain the maximum efficiency of which any antenna is capable, a good ground or counterpoise system must be employed.

"At the present state of the art, it appears that where a vertical radiator is employed the ground system should consist of radial wires at least ¼ wave length long. There should be as many of these radials as practicable and in no event less than 70. These wires should be buried only deep enough to provide mechanical protection (not greater than 12 inches). However, they should not be permitted to rest on the surface.

"In many cases a counterpoise or combination counterpoise and ground system may be superior to a ground, especially where a good ground cannot be obtained.

"It should be borne in mind that the above specifications are the minimum and where possible better antenna and ground systems should be installed.

"Before any change is made in the antenna, details should be submitted to the Commission for approval in order that it may be definitely determined that the installation will meet the requirements of Rule 131 and that it does not constitute an objectionable hazard to air commerce. These data may be submitted by letter setting out full details."

The curves attached to the above release are substantially the same as those published in NAB Reports for June 7, 1935.

WREN LOSES APPEAL

The United States Supreme Court on Monday refused to grant an appeal to broadcasting station WREN from a decision of the old Federal Radio Commission.

Broadcasting Station WHB, Kansas City, Kans., asked the Radio Commission for an experimental license for evening hours. The case was designated for hearing by the Commission and in the meantime WREN asked permission to intervene in the case which was refused by the Commission.

WREN then appealed to the Supreme Court of the District of Columbia asking for an injunction to restrain the Commission from holding the hearing without granting WREN permission to intervene. The Commission asked the same Court to dismiss the appeal. The Supreme Court denied the motion of the Commission to dismiss the case, whereupon the Commission filed an appeal in the Court of Appeals of the District of Columbia, which Court overruled the Supreme Court. Station WREN then asked the United States Supreme Court for a review of the case which has just been denied.

CHANGE FOR WKAR RECOMMENDED

Broadcasting Station WKAR, East Lansing, Mich., applied to the Federal Communications Commission to change its frequency from 1040 to 850 kilocycles and to change its hours of operation from specified daytime hours to daytime until sunset WWL.

Examiner P. W. Seward, in Report No. I-121 has recommended that the application be granted. He found that a need does exist for service in the area proposed to be served and that the interests of no existing station will be adversely affected by reason of interference. The Examiner found that granting the application would be in the public interest.

RECOMMENDS DENIAL OF WALA AND KGFI APPLICATIONS

Broadcasting Station WALA, Mobile, Ala., applied to the Federal Communications Commission to allow a power increase from 500 to 1,000 watts while KGFI, Corpus Christi, Texas, asked to construct a new transmitter, to operate unlimited time with 1,000 watts power using 1380 kilocycles, instead of its present assignment of 1500 kilocycles, with 100 watts night power and 250 watts to local sunset.

Examiner Ralph L. Waker, in Report No. I-120, has recommended that both applications be denied. He found that although WALA's programs are "diversified and meritorious," that the granting of the application for increased power "would result in objectionable interference with existing stations" and that it "would further increase the already over-quota night condition of the third zone." In connection with KGFI the Examiner found also that if the application were granted that it would "result in objectionable interference with an existing station and in further increasing the over-quota status of the State of Texas and the third zone."

NEW QUOTA TABLES

QUOTA FACILITIES DUE AND ASSIGNED TO BROADCAST STATIONS AS OF OCTOBER 21, 1935

First Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Conn.	2.13	1.92	— 0.21	— 10
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.98	— 0.18	— 8
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.23	+ 1.54	+ 9
R. I.	0.91	0.90	— 0.01	— 0
Vt.	0.48	0.56	— 0.08	+ 17
Total	36.00	35.075	— 0.925	— 3

First Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Conn.	3.85	3.44	— 0.41	— 11
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	21.16	— 8.98	— 30
R. I.	1.65	1.00	— 0.65	— 39
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	45.815	—19.185	— 30

Second Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.83	+ 1.25	+ 15
Pa.	12.43	12.38	— 0.05	— 0
Va.	3.13	4.65	+ 1.52	+ 49
W. Va.	2.23	2.19	— 0.04	— 2
Total	36.00	38.05	+ 2.05	+ 6

Second Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.66	— 4.62	— 41
Ohio	15.50	12.31	— 3.19	— 20
Pa.	22.45	14.85	— 7.60	— 34
Va.	5.64	6.19	+ 0.55	+ 10
W. Va.	4.03	4.30	+ 0.27	+ 7
Total	65.00	48.56	—16.44	— 25

Third Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ala.	3.32	2.735	— 0.585	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.26	+ 0.62	+ 17
La.	2.63	5.40	+ 2.77	+105
Miss.	2.52	1.32	— 1.20	— 48
N. Car.	3.97	4.19	+ 0.22	+ 6
Okla.	3.00	3.51	+ 0.51	+ 17
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.14	+ 3.84	+ 53
Total	36.00	46.225	+10.225	+ 28

Third Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ala.	5.99	4.685	— 1.305	— 22
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	5.30	+ 1.98	+ 60
Ga.	6.58	5.20	— 1.38	— 21
La.	4.75	5.60	+ 0.85	+ 18
Miss.	4.55	2.42	— 2.13	— 47
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	5.20	— 0.22	— 4
S. Car.	3.93	2.70	— 1.23	— 31
Tenn.	5.92	7.65	+ 1.73	+ 29
Texas	13.18	14.06	+ 0.88	+ 7
Total	65.00	62.415	— 2.585	— 4

Fourth Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ill.	10.14	11.14	+ 1.00	+ 10
Ind.	4.30	3.64	— 0.66	— 15
Iowa	3.28	5.37	+ 2.09	+ 64
Kans.	2.50	2.49	— 0.01	— 0
Minn	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.24	+ 0.42	+ 9
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	0.90	+ 0.00	+ 0
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.37	— 0.53	— 14
Total	36.00	39.40	+ 3.40	+ 9

Fourth Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ill.	18.30	15.82	— 2.48	— 14
Ind.	7.77	5.69	— 2.08	— 27
Iowa	5.93	8.26	+ 2.33	+ 39
Kans.	4.51	3.77	— 0.74	— 16
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	9.64	+ 0.94	+ 11
Nebr.	3.30	6.02	+ 2.72	+ 82
N. Dak.	1.63	1.35	— 0.28	— 17
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	6.43	— 0.62	— 9
Total	65.00	64.88	— 0.12	— 0

Fifth Zone—Night

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ariz.	1.32	1.27	— 0.25	— 4
Calif.	17.18	19.47	+ 2.29	+ 13
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	2.15	+ 0.52	+ 32
Nev.	0.27	0.30	+ 0.03	+ 11
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.12	+ 1.23	+ 42
Utah	1.54	3.30	+ 1.76	+114
Wash.	4.73	7.63	+ 2.90	+ 61
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	45.88	+ 9.88	+ 27

Fifth Zone—Day

State	*Due*	*Assigned*	*Units Over or Under*	*Percent Over or Under*
Ariz.	2.38	1.69	— 0.69	— 29
Calif.	31.02	23.37	— 7.65	— 25
Colo.	5.66	5.25	— 0.41	— 7
Idaho	2.43	2.05	— 0.38	— 16
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.30	— 0.19	— 39
N. Mex.	2.31	2.95	+ 0.64	+ 28
Ore.	5.21	6.19	+ 0.98	+ 19
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	9.39	+ 0.85	+ 10
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	57.84	— 7.16	— 11

FEDERAL TRADE COMMISSION ACTION

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

Complaints

No. 2570. Complaint issued against **W. J. Thompson, Inc., New York City,** publisher of **"The Gentlewoman,"** a magazine, alleging that the respondent either has used exaggerated assertions in advertising or has concealed facts that should have been disclosed.

In conducting a subscription contest the respondent is alleged to have made misleading representations or to have omitted to give essential facts necessary to prevent the reader from obtaining a false impression of the contest.

No. 2571. American Safety Razor Corporation, of Brooklyn, said to be the second largest manufacturer of razor blades in the world, is named as respondent in a complaint alleging violation of the Clayton Act through discrimination in prices made to certain customers.

Although the customers are not named, the complaint charges that the respondent, particularly during the last five years, has discriminated in price and is now doing so between different purchasers of its products by giving to some of them lower prices than to others competitively engaged in the resale of those products. The discriminations in price were concealed from the other and unfavored purchasers, according to the complaint.

Nos. 2572 and 2574. Complaints issued against the **Commercial Silk Mills and Cameo Silk Mills, Inc., of New York City,** alleging unfair use of the word "mills" in their trade names, when in fact they do not manufacture the product they sell. This usage is alleged to deceive purchasers into believing that these companies own mills, and that by dealing with them the buyer will save the middleman's profit.

No. 2573. Unfair appropriation of a well-established trade name is alleged in a complaint issued against **International Sheffield Works, Inc., of New York City,** a manufacturer of silver-plated hollow ware for sale to jobbers and retail jewelry stores.

According to the complaint, use of the name "Sheffield" in this company's corporate name has a tendency to deceive buyers into believing that its products are "Sheffield," when in fact they are not manufactured in accordance with the process used in making Sheffield silver or silver plate, nor are they manufactured in Sheffield, England.

Three companies dealing in dress goods, rayon, cotton and knitted wear, respectively, have been served with complaints alleging unfair methods of competition in the sale of such products.

No. 2577. Frank Livingston, of Brattleboro, Vermont, dealing in dress goods under the name **Berkshire Textile Company,** is alleged to have misrepresented certain conditions of sale of his products. The complaint says that although he advertised by means of the words "direct to you," the respondent did not ship merchandise to the consumer direct from a factory.

No. 2578. Bear Mill Manufacturing Company, Inc., of New York City, engaged in supplying rayons and cottons to commission weavers, who, in turn, manufacture or weave the material into fabrics, is charged with using the words "mill" and "manufacturing" in its corporate name, when in fact it did not make the products it sold and did not own, control or operate a mill or factory. The use of these words is said to have misled purchasers into believing that by dealing with this respondent they would have saved a middleman's profit.

No. 2579. Lur-Eye Products, Inc., New York City, a distributor of cosmetic specialties, advertises its "Lur-Eye Lash Developer" in newspapers, periodicals and radio broadcasts. However, the complaint alleges that the preparation did not have the medicinal qualities claimed in such quantities as to produce the results promised, and did not contain ingredients of such nature as to warrant representations concerning the growth of eyelashes and the changing of texture thereof.

No. 2580. A complaint against **Duncombe Research Laboratory, Highland Park, Mich.,** alleges that its product, variously termed "Germex," "Epi-Phi," and "Hindoo Prescription," is represented as a remedy or cure for diseases such as cancer, arthritis, ulcers, pernicious anemia, and others. It was advertised, for example, that "in cancer cases the pain is relieved in 24 hours," and that the product was a "non-poisonous antiseptic destroying parasites and bacteria."

According to the complaint, Germex does not possess the therapeutic value or medicinal properties assigned to it by the respondent, the product being at most an antiseptic wash or application.

No. 2581. A complaint against **Eton Knitting Corporation, New York City,** wholesalers and retailers of wearing apparel knitted or crocheted from yarn, such as hats, caps, berets, sweaters, and other articles, alleges that this respondent represented that the products it sold had been knitted, crocheted, or manufactured by it, when in fact the company did not perform these operations and did not own, operate or control a plant in which were knitted, crocheted or manufactured the products it sold. The complaint points out that a substantial number of retailers and wholesalers believe that crocheted or knitted wearing apparel purchased from the manufacturer is of higher quality than such apparel bought from dealers, and that in buying from manufacturers they eliminate a middleman's profit.

No. 2582. Unfair competition in the sale of a dairy feed is alleged in a complaint issued against **Pratt Food Company,** of **Philadelphia,** a corporation trading in interstate commerce and having mills in Philadelphia; Hammond, Ind.; Buffalo, N. Y.; and Guelph, Ontario.

The company is charged with advertising, among other things, that the use of "Super-iodized B. P. Dairy Feed" will decrease the amount of necessary feed, and is highly effective in the control and elimination of Bang's disease. The complaint alleges that the company advertises Super-iodized milk to be a purer, richer and more nutritious milk.

No. 2583. Alleging unfair competition in the sale of shirts, a complaint has been issued against Sam Fisher, trading as **Hollywood Shirt Company,** with headquarters at **No. 8 Allen Street, New York City.**

The complaint alleges that the respondent falsely represented that shirts offered for sale by him were first quality broadcloth, genuine broadcloth, and the finest broadcloth; that he was the manufacturer thereof; and that there was but one profit between manufacturer and wearer. Fisher is alleged to have made other unfair representations regarding his products.

No. 2584. Misuse of the name of a government agency to advertise a product, and other unfair practices, are alleged in a complaint against the **Union Pencil Company, Inc., of 305 Broadway, New York City,** a distributor of imprinted and advertising pencils.

The complaint charges the respondent with falsely asserting that it holds a certificate of merit issued by the Bureau of Standards, and that its pencil product has been tested by that bureau, when, according to the complaint, the respondent holds no such certificate issued by the Bureau of Standards or any other governmental agency.

No. 2585. Misuse of fruit names in the sale of candy is alleged as an unfair method of competition in a complaint issued against **Alfred Mendell, of Ozone Park, New York,** a manufacturer and dealer in confectionery.

Mendell is alleged to have had printed on cartons containing his products called "fruit pops" the fruit names, pineapple, raspberry, lime, orange and lemon, when in fact, according to the complaint, the candy was not flavored with these fruits but with synthetic flavors and ingredients other than the fruits mentioned.

No. 2586. A complaint alleges that **Radiator Specialty Company,** of **Charlotte,** advertised a cleaning fluid called "Perfo" as safe to use on the most delicate fabrics, asserting that it would absorb spots and leave no rings. The complaint points out that in fact the use of the product on certain fabrics does harm and affect their colors by causing them to bleed or run and under certain conditions does result in the appearance of a spot or ring.

No. 2588. A complaint has been issued against **R. H. Sharot, of New York City,** trading as Modex Mills Company and distributing hosiery, dresses and various items of merchandise to customers in foreign countries.

Sharot is charged with using the word "mills" in his trade name when in fact he does not manufacture the product he sells.

No. 2589. A complaint has been issued against the **Thomasville Chair Company,** charging it with advertising its products as "mahogany" and "walnut" when in fact, according to the complaint, they are made of woods other than mahogany and walnut.

No. 2590. A complaint was issued against **Brenner Paper Manufacturing, Inc., of New York City,** charging that throughout its business transactions since March, 1935, this company has represented itself as a paper manufacturer when in fact it is a converter and printer. The respondent is given until Friday, November 29, to show cause why the Commission should not issue against it an order to cease and desist from the representations alleged.

Stipulations

Trade practices deemed to be unfair will be discontinued by the following companies entering into stipulations with the Federal Trade Commission: Bearse Manufacturing Co., Chicago; Vess Dry Co., New York City; Raven Silk Co., Chicago; Federal Service Training Bureau, Detroit, and Johnson-Smith & Co., Racine, Wis.

No. 1483. Bearse Manufacturing Co., manufacturing cloth bags, agrees to cease and desist from imitating the shape, size, color and appearance of sweeper bags manufactured by The Hoover Company, of North Canton, Ohio, and from displaying thereon the word "Hoover" without at the same time adding in plain, legible type the explanation that the product is not made by The Hoover Company.

No. 1484. Vess Dry Co., manufacturing flavors and concentrates for use in preparing soft drinks, will abandon use of names of flavors to designate its products, implying that they are composed of the juice of fruits, when this is not true. Provision is made that if fruit names are used to describe a synthetic flavor, then they shall be immediately preceded by the word "Imitation" in conspicuous type.

No. 1485. Henry O. Victor, trading as Raven Silk Co., distributor of women's hosiery and lingerie, also men's shirts and hosiery, agrees to stop furnishing to customers the means of conducting a gift enterprise, lottery or scheme of chance whereby an article is given as a premium in consideration of the purchase of any other article, or whereby the price to be paid for an article is determined by lot or chance. This respondent also agrees to cease furnishing to any individual, club or other organization certain products at varying prices which prices, to his knowledge, have been fixed and determined by lottery or scheme of chance.

No. 1486. R. D. Dodge, operating as Federal Service Training Bureau, will abandon use of the words "Federal Service" or "Bureau" as part of its trade name, implying that he represents or has official connection with the United States Civil Service Commission or that his organization is a bureau or agency of the United States Government. Dodge also agrees to discontinue misleading representations in reference to the number of civil service employees of the government and other details connected with the employment of government personnel.

No. 1487. A. Johnson Smith, engaged in selling by mail order various articles of merchandise, including a revolving date stamp, and doing business as Johnson-Smith & Co., agrees to cease and desist from pictorially or otherwise representing in catalogs that he has in stock the "Crown" and "Quality" revolving date stamps and is prepared to fill orders for them, when this is not true. Smith stipulates that he will stop using these two words in any way implying that his products are manufactured by Hill-Independent Manufacturing Co., when this is not true. The Hill-Independent Manufacturing Co., of Germantown, Pa., has for several years manufactured revolving date stamps under the names "Quality" and "Crown."

No. 0923. Unethical advertising practices in the sale of a cleansing compound called "Foamol" will be discontinued by **A. F. Walke, of Cincinnati,** trading as **Keelow Laboratories.** Under a stipulation entered into, Walke agrees to stop asserting that Foamol will "clean without work" and that "any and all soils will disappear instantly" when Foamol is used. He will also stop asserting that this product "will leave worn articles as fresh and full of wear-resisting vitality as when brand new." Other similar representations will be abandoned, according to the stipulation.

No. 0924. Under a stipulation entered into, **Jay F. Davis, of New York City,** trading as **Psych-Occult Institute** and under other names and dealing in curios, perfumes, astrological charts and miscellaneous merchandise, agrees to cease and desist from unfair advertising practices.

Among other representations, Davis agreed to cease alleging that he would personally advise purchasers of his products concerning business affairs, love, health and other subjects, unless in fact such personal advice or personal consideration were actually to be extended, according to the stipulation.

Cease and Desist Orders

No. 2232. The Commission has ordered **Rayson Service Bureau, of Denver, Colo.,** and others, operating a correspondence school teaching United States Civil Service subjects, to cease and desist from certain representations regarding positions offered under Civil Service, and, specifically, to cease and desist from:

Including in follow-up or other advertising matter concerning a forestry course, any reference to the national forests, the Federal forest service, or positions in this service, unless and until either the United States Civil Service Commission shall resume announcement of examinations for the position of ranger in this service, or the respondents shall declare in follow-up literature that the course is neither adapted nor designed to aid students to obtain positions as ranger.

Nos. 2241 and 2262. Unfair competition in the red cedar shingle trade is prohibited by the cease and desist orders issued against **Quality Shingle Company, Inc.,** and **Oakland Shingle Company,** both of **Edmonds, Wash.,** and **C. V. Gray,** trading as Gray Lumber & Shingle Co., Seattle.

The order directs each company to cease using the term "extra clear" in connection with the sale or advertisement of its products, unless and until the shingles so sold shall be free from defects and blemishes, including sapwood content.

No. 2274. Unfair competition in the sale of a body brace for use in the relief and cure of diseases is prohibited in an order to cease and desist issued against the **Natural Body Brace Co., Salina, Kansas.**

In the sale of its product called "natural body brace," the Natural Body Brace Company is directed to stop representing that the use of this device can overcome illnesses such as backache, curvatures, nervousness, indigestion, colitis, kidney, bladder and liver trouble, neuritis and lung trouble.

No. 2298. The Bronson Shoe Company of Minneapolis, Minn., a distributor selling directly to consumers through agents and by mail, has been ordered to cease and desist from advertising that it owns or operates a shoe factory, and that prices at which it sells its products to the consumer are manufacturers' wholesale prices.

No. 2387. Unfair competition in the sale of coupons redeemable in silver or silverware, china or chinaware, is prohibited in an order to cease and desist issued against **Security Silverware Distributors, Inc., of Chicago,** and **William C. Steffy** and **Lorena Steffy,** as its officers and individually and also the company and the individuals, trading as Atlas Globe China Company, Advertising Department, and as Bordeaux China Company.

The order directs that in the sale of certificates, coupons or tickets redeemable or purporting to be redeemable in china, chinaware, silver or silverware, the respondents cease using the words "Advertising Department" following the name Atlas Globe China Company and following the name Bordeaux China Company, or in connection with other names, unless and until these parties are connected with or related to the companies named.

No. 2522. An order to cease and desist has been issued against **Gottlieb Brothers, Manufacturers of Silk Underwear, Inc., of New York City,** directing this company to stop representing women's underwear and undergarments by labels, or otherwise, as "100% pure silk," unless and until these garments are made entirely of silk.

No. 2525. The Commission has issued an order against **Davis Knitting Mills, Inc., of New York City,** a wholesaler of men's and boys' knitted outerwear, directing it to cease and desist from use of the words "Mills" or "Knitting Mills" in its trade name. The respondent company had refrained from contesting the proceeding, consenting to issuance of an order to cease and desist.

No. 2556. An order has been issued against **Peters Serum Company, of Kansas City, Mo.,** requiring that company to stop advertising that it manufactures all of its products, or that purchasers can save the middleman's profits by buying this company's products, unless these assertions are true.

Waiving hearings on the allegations of the Commission's complaint and refraining from contesting the proceeding, the respondent consented to issuance of the order to cease and desist.

SECURITY ACT REGISTRATIONS

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

American Radio & Television Corporation, New York City. (2-1700, Form A-1)

117 West 7th St. Corporation, New York City. (2-1701, Form E-1)

General Ore Reduction Corporation, San Diego, Calif. (2-1700, Form A-1)

North Central Gas Company, Casper, Wyo. (2-1704, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, October 28, 1935

NEW—Eastern Utah Broadcasting Co., Sam G. Weiss, Price, Utah.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah. —C. P., **550 kc.**, 500 watts, unlimited time.

NEW—Wyoming Radio Educational Assn., Lester G. Baker, Pres., Cheyenne, Wyo.—C. P., **630 kc.**, 500 watts, 1 KW LS, unlimited time.

Tuesday, October 29, 1935

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—C. P., **1210 kc.**, 100 watts, unlimited time.

Wednesday, October 30, 1935

NEW—Albert E. Davis, Brownwood, Tex.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—Pampa Daily News, Inc., Pampa, Tex.—C. P., **1200 kc.**, 100 watts, daytime.

NEW—Bell Broadcasting Co., Temple, Tex.—C. P., **1370 kc.**, 100 watts, daytime.

Friday, November 1, 1935

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—C. P., **1230 kc.**, 1 KW, 5 KW LS, unlimited time.

WHBU—Anderson Broadcasting Corporation, Anderson, Ind.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Herbert Lee Blye, Lima, Ohio.—C. P., **1210 kc.**, 100 watts, daytime only.

WTFI—Liberty Broadcasting Co., Athens, Ga.—C. P., **1450 kc.**, 500 watts, unlimited time.

APPLICATIONS GRANTED

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted C. P. to install new equipment and move transmitter locally.

KNET—Palestine Broadcasting Assn., Palestine, Tex.—Granted modification of C. P. to move transmitter and studio locations to .78 miles northeast of Court House on east side of State Highway No. 43 and corner S. Magnolia, Hoxie and S. Sycamore Streets; also approve antenna.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted license to cover C. P. authorizing local move of station and installing new equipment; **1450 kc.**, 250 watts, unlimited time.

KIFI—George W. Young, Portable, Minneapolis, Minn.—Granted modification of license (temp. broadcast pickup) to add frequencies **2060** and **2790 kc.**; also granted renewal of license for the period ending November 1, 1936.

WIEH—Knickerbocker Broadcasting Co., Inc., Portable (New York City).—Granted modification of license (temp. broadcast pickup) to add frequencies **2150, 2790, 2060 kc.**; also granted renewal of license for the period ending November 1, 1936.

WIEG—Knickerbocker Broadcasting Co., Inc., Portable (New York City).—Granted modification of license (temp. broadcast pickup) to add frequencies **1622, 2060, 2790 kc.**; also granted renewal of license for the period ending November 1, 1936.

KILB—International Broadcasting Corp., Portable (Shreveport, La.).—Granted modification of license (temp. broadcast pickup) to delete frequency **2150** and add **1646, 2090, 2190, 2830 kc.**; also granted renewal of license for period ending November 1, 1936.

KIIH—KFAB Broadcasting Co., Portable (Lincoln, Nebr.).—Granted modification of license (temp. broadcast pickup service) to add frequencies **1646, 2090, 2190, 2830 kc.**; also granted renewal of license for period ending November 1, 1936.

WNEI—Indianapolis Power & Light Co., Portable (Indianapolis, Ind.).—Granted renewal of license (temp. broadcast pickup station), frequencies **1646, 2090, 2190, 2830 kc.**

WELI—Patrick J. Goode, New Haven, Conn.—Granted license to cover C. P. as modified for new station to operate on **900 kc.**, 500 watts, daytime only.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted license to cover C. P. as modified for a new station to operate on **1310 kc.**, 100 watts, unlimited time.

KCRC—Enid Radiophone Co., Enid, Okla.—Granted license to cover C. P. authorizing changes in equipment.

WJER—The Journal Company (Milwaukee Journal), Portable-Mobile, Milwaukee, Wis.—Granted modification of license to add frequencies **2020** and **2760 kc.** to frequencies in present assignment, broadcast pickup service; also granted renewal of license.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted extension of present license for period of 60 days; **860 kc.**, 1 KW, daytime.

KGMB—Honolulu Broadcasting Co., Ltd., Waikiki, Honolulu, T. H.—Granted extension of present license for period of 60 days; **1320 kc.**, 250 watts, unlimited.

WINS—Hearst Radio, Inc., New York City.—Granted extension of present license for period of 60 days; **1180 kc.**, 1 KW, limited time.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 10 to 50 KW; **750 kc.**, unlimited time.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted license to cover C. P. authorizing transmitter location; **570 kc.**, 1 KW night, 5 KW day, unlimited time.

KSCJ—Perkins Bros. Co., The Sioux City Journal, Sioux City, Iowa.—Granted C. P. to install auxiliary equipment for emergency purposes only, to operate with 250 watts.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted C. P. to install new equipment.

WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals, Ala.—Granted modification of license to move studio from Muscle Shoals to Sheffield, Ala.

KDON—Richard Field Lewis, Del Monte, Calif.—Granted modification of C. P. to make changes in equipment.

WLEB—WOKO, Inc., Mobile.—Granted modification of license to add frequencies **2090, 2190, 2830 kc.**; also granted renewal of license in accordance with same for period ending November 1, 1936.

WIEF—Miami Broadcasting Co., Portable-Mobile (Miami, Fla.).—Granted modification of license to add frequencies **1646, 2090, 2190** and **2830 kc.**

W2XDV—Atlantic Broadcasting Corp., New York City.—Granted modification of license (exp. gen. exp.) for authority to operate by remote control in accordance with Rule 213.

WJEP—Stromberg-Carlson Tel. Mfg. Co., Portable-Mobile (Rochester, N. Y.).—Granted modification of license to delete frequencies **1622, 2060, 2150, 2790 kc.** and add frequencies **1606, 2020, 2102, 2760 kc.**; also granted renewal of license for the period ending November 1, 1936.

KIJG—Eagle Broadcasting Co., Inc., Mobile (Corpus Christi, Tex.). —Granted modification of license to add frequencies **1622, 2060** and **2790 kc.**; also granted renewal of license for the period ending November 1, 1936.

KIEL—Fisher's Blend Station, Inc., Portable (Seattle, Wash.).—Granted modification of broadcasting pickup station to add frequencies **1606, 2020, 2102, 2760 kc.** and delete frequencies **1622** and **2150 kc.**; also granted renewal of license for the period ending November 1, 1936.

WKEM—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to add frequencies **2060** and **2790 kc.**; also granted renewal of license in accordance with modification for period ending November 1, 1936.

SET FOR HEARING

NEW—Merced Star Publishing Co., Merced, Calif.—Application for C. P. for new station, **1040 kc.**, 250 watts, daytime, site to be determined subject to approval of Commission.

NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—Application for C. P. for new station, **1420 kc.**, 100 watts, unlimited.

NEW—Alfred C. Matthews, Cape May, N. J.—Application for C. P. for new station, **1420 kc.**, 100 watts, specified hours.

NEW—E. E. Long Piano Co., partnership of R. R. Long, E. A. Van Vechten and P. G. Green, San Luis Obispo, Calif.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited hours, site to be determined subject to Commission's approval.

WEAN—The Shepard Broadcasting Service, Inc., Providence, R. I. —Application for C. P. to install new equipment, move transmitter locally, site to be determined, and increase power from 500 watts to 1 KW.

NEW—The Press Co., Inc., Publishers of the Knickerbocker Press and Albany News, Schenectady, N. Y.—Application for C. P.

for new station, **1210 kc.,** 100 watts, daytime, site to be determined subject to approval of Commission.

NEW—J. W. Stanford, d/b as Brunswick Broadcasting Co., Brunswick, Ga.—Application for C. P. for new station, **1310 kc.,** 100 watts, unlimited time.

NEW—J. Laurence Martin, Tucumcari, N. Mex.—Application for C. P. for new station, **1200 kc.,** 100 watts, unlimited time, site to be determined.

NEW—Joseph C. Morrow, Oakland, Calif.—Application for C. P. for new station, **1150 kc.,** 250 watts, daytime, site to be determined subject to Commission's approval.

NEW—Struble, Strong & Fagan, The Dalles, Ore.—Application for C. P. for new station, **1200 kc.,** 100 watts, unlimited time.

NEW—A Staneart Graham, E. V. Baxter, Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—C. P., already in hearing docket, amended to read: **790 kc.,** 1 KW day. Daytime only.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Application for C. P. to make changes in equipment, increase day power from 100 to 250 watts.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rept. No. 1-51: WMAN Broadcasting Co., Mansfield, Ohio.—Denied C. P. for new broadcast station to operate on **1370 kc.,** 100 watts, unlimited time. Examiner Geo. H. Hill sustained. Order effective December 3, 1935.

WJTL—Ex. Rept. No. 1-90: Oglethorpe University, Atlanta, Ga.—Granted renewal of license, **1370 kc.,** 100 watts, unlimited time; also granted voluntary assignment of license from Oglethorpe University to J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co. Examiner J. P. Bramball sustained. Order effective November 26, 1935.

KIEM—Ex. Rept. No. 1-101: Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted C. P. to change equipment, move transmitter, change frequency from **1210 kc.** to **1450 kc.,** increase power from 100 to 500 watts, unlimited time. Examiner P. W. Seward sustained. Order effective December 3, 1935.

NEW—Ex. Rept. No. 1-103: Pacific Acceptance Corp., San Diego, Calif.—Granted C. P. for new station to operate on **1200 kc.,** 100 watts, daytime. Examiner P. W. Seward sustained. Order effective December 10, 1935.

WLBC—Ex. Rept. No. 1-107: Donald A. Burton, Muncie, Ind.—Granted C. P. to make changes in equipment and increase power from 50 to 100 watts night and 100 watts to 250 watts day; simultaneous day, share WTRC night. Examiner R. L. Walker sustained. Order effective December 10, 1935.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted C. P. to make changes in equipment and increase in power from 50 to 100 watts night an 100 to 250 watts day; **1310 kc.;** simultaneous with WLBC, share night with WLBC. Examiner Walker sustained in part. Order effective December 10, 1935.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa. WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Ex. Rept. No. 1-115:Granted transfer of control of corporation from Steinman Hardware Co. to Mason Dixon Radio Group, Inc. Also granted C. P. to move studio and transmitter (site to be determined), and granted voluntary assignment of license from Lancaster Broadcasting Service, Inc., to Associated Broadcasters, Inc.; **1200 kc.,** 100 watts night, 250 watts day, share with WKBO. Examiner Geo. H. Hill sustained. Order effective Oct. 29, 1935.

WBHS—Ex. Rept. No. 1-119: Virgil V. Evans, Huntsville, Ala.—Dismissed with prejudice application for C. P. to move transmitter and studio and change hours of operation from 6/7 to daytime; **1200 kc.,** 100 watts. Examiner P. W. Seward sustained. Order effective October 22, 1935.

ACTION ON CASE HEARD BY COMMISSIONER BROWN

T. Yount, d/b as Universal Advertising Agency, Larado, Tex.—Denied authority to transmit programs to all stations in Mexico. Commissioner Brown's recommendations sustained. Order effective December 3, 1935.

MISCELLANEOUS

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Denied request for special authority to operate from 5:45 to 11 p. m. for the period beginning October 25 and ending October 31, 1935, pending completion of antenna equipment in order to broadcast special features and football games.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—C. P. authorizing changes in modulation system, heretofore granted, was retired to the closed files for want of prosecution.

NEW—W. L. Gleeson, Salinas, Calif.—C. P., **1310 kc.,** 100 watts, unlimited time, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48 (c).

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Rescinded action of September 24, 1935, designating application for hearing, and granted extension of C. P. with modifications as to installation of new equipment and such further reasonable time for the installation of the equipment.

APPLICATIONS RECEIVED

First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—Construction
600 permit to install new equipment.

WNYC—City of New York, Department of Plant & Structures,
810 New York, N. Y.—Construction permit to use Western Electric 106 B Transmitter as auxiliary for emergency and test purposes; move transmitter to 29 Ft. Green Place, Brooklyn, N. Y.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modifica-
1250 tion of license to increase day power from 2½ to 5 KW.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—
1606 Modification of license to add frequency **1606 kc.**

Second Zone

NEW—Herman Radner, Lansing, Mich.—Construction permit for
1210 a new station to be operated on **1210 kc.,** 100 watts, 250 watts daytime, unlimited time, facilities of WJIM if and when WJIM's application B2-P-698 for WGAR's facilities is granted.

WCOL—WCOL, Inc., Columbus, Ohio.—License to cover construc-
1210 tion permit (B2-P-374) to make changes in equipment and move transmitter.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Authority to de-
1340 termine operating power by direct measurement of antenna.

NEW—The Crosley Radio Corp., Portable.—Construction permit for new general experimental station on **31100, 34600, 37600, 40600 kc.,** 2 watts.

NEW—The Crosley Radio Corp., Portable.—License to cover the above.

NEW—The Crosley Radio Corp., Portable-Mobile.—Construction permit for new general experimental station on **31100, 34600, 37600, 40600 kc.,** 5 watts.

NEW—The Crosley Radio Corp., Portable-Mobile.—License to cover above.

NEW—The Crosley Radio Corp., Portable.—Construction permit for new general experimental station on **31100, 34600, 37600, 40600 kc.,** 1 watt.

NEW—The Crosley Radio Corp., Portable.—License to cover the above.

Third Zone

WNOX—WNOX, Inc., Knoxville, Tenn.—Voluntary assignment of
560 license from WNOX, Inc., to Continental Radio Co.

WSGN—Ormond O. Black and Mary Collett Black, Birmingham,
1310 Ala.—Voluntary assignment of license from Ormond O. Black and Mary Collett Black to R. B. Broyles, tr/as R. B. Broyles Furniture Co.

KTRH—KTRH Broadcasting Co., Houston, Tex.—License to cover
1330 construction permit (B3-P-405) for new equipment, change frequency, and increase power.

KELD—T. H. Barton, El Dorado, Ark.—Modification of license
1370 to change studio location from Exchange Bldg., El Dorado, Ark., to Country Club Colony, 1½ miles north of El Dorado, Ark.

Fourth Zone

WOW—Woodmen of the World Life Ins. Association, Omaha,
590 Nebr.—Modification of construction permit (B4-MP-236) authorizing move of transmitter, installation of new equipment and increase in power, to extend completion date to 12-15-35.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Modification of con-
1020 struction permit (B4-P-8) as modified for equipment changes; change frequency from **1070 kc.** to **1020 kc.,** power from 100 to 250 watts; move transmitter, to further request change in equipment; extend commencement date 30 days after grant and completion date 180 days thereafter (contingent upon granting of B4-APL-1, filed under name of WDZ Broadcasting Co.)

WDZ—James L. Bush, Tuscola, Ill.—Voluntary assignment of
1070 permit and license from James L. Bush to WDZ Broadcasting Co.

KWBG—W. B. Greenwald, The Nations Center Broadcasting Co.,
1120 Inc., Hutchinson, Kans.—Construction permit to install new equipment; change frequency from **1420 kc.** to **1120 kc.;** increase power from 100 watts to 1 KW; move transmitter from 101 East Ave. A, Hutchinson, Kans., to Hutchinson, Kans. (Filed under new name.)

NEW—William A. Reed, Waterloo, Iowa.—Construction permit for
1310 new station to be operated on **1310 kc.,** 100 watts, 250 watts day, unlimited time.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—License
1310 to cover construction permit (B4-P-330) as modified for new station.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Voluntary assign-
1420 ment of license from W. B. Greenwald to The Nation's Center Broadcasting Co., Inc.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—
1420 Construction permit for new station to be operated on **1420 kc.,** 100 watts, unlimited time. Amended: St. and No. of transmitter site to be determined, Mason City, Iowa; antenna to be determined; equipment changes.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—License to
1430 cover construction permit (B4-MP-225) as modified for new equipment, increase of power, and move of transmitter.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Construction permit to change location of station to 39th St. near Warwick, York Township, DuPage Co., Ill.

Fifth Zone

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Extension
710 of special experimental authorization to operate on **710 kc.,** 500 watts, unlimited time, to 2-1-36.

KGDM—E. F. Peffer, Stockton, Calif.—License to cover construc-
1100 tion permit (B5-P-14) as modified to move transmitter, install new equipment, and increase power.

KDON—Richard Field Lewis, Del Monte, Calif.—Modification of
1210 construction permit (B-P-B-3184) authorizing a new station on **1210 kc.,** 100 watts, unlimited time, requesting changes in equipment.

NEW—John A. Stump, Fairbanks, Alaska.—Construction permit
1210 for a new station to be operated on **1210 kc.,** 100 watts, 250 watts local sunset, unlimited time. Amended: Studio and transmitter sites to be determined, Fairbanks, Alaska.

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to
1250 change frequency from **1370 kc.** to **1250 kc.,** power from 100 watts to 1 KW; install new equipment; move transmitter from Second and Rose Sts, Walla Walla, Wash., to County Road and College Ave., Walla Walla, Wash. Amended to change transmitter site and antenna to be determined.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment
1370 of license from Lee E. Mudgett to Seattle Broadcasting Co.

KIEO—Airfan Radio Corporation, Ltd., San Diego, Calif.—Modification of license to add frequencies **1606, 2020, 2102, 2760 kc.,** and delete frequency **2150 kc.**

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★ Vol. 3 - - No. 50
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NOTES FOR THE SALES STAFF

In spite of some decline in the national non-network field September broadcast advertising continued strong. All portions of the medium experienced an increase over the corresponding period of 1934. Total broadcast advertising was 23.9% over last September and 43.2% over the corresponding month of 1933. (See Highlights of the Month, page 1006.)

The marked increase in national non-network radio set advertising should be watched with interest. (See 12. *Radios*, page 1007.)

Local stations will find encouragement in the increase in business reported over August and in the marked increase in advertising over the corresponding months of 1933 and 1934. (See Non-network Trends, page 1007.)

Household equipment, clothing, automotive, accessory and food advertising are the fields continuing to show strength. (See detailed analyses of sponsor trends, page 1007.)

The very marked gain in local transcription and record advertising seems to indicate that the transcription libraries are being used by local sponsors. (See Non-network Advertising by Type of Rendition, page 1007.)

JOLLIFFE RESIGNS AS CHIEF ENGINEER OF FCC

Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, submitted his resignation to the Commission on October 30, 1935, to be effective November 12, 1935.

Dr. Jolliffe was appointed Chief Engineer of the Federal Radio Commission March 1, 1930. He was subsequently appointed Chief Engineer of the Federal Communications Commission when that body superceded the Federal Radio Commission.

It is understood that Dr. Jolliffe will accept a position with the Radio Corporation of America as Engineer in Charge of the Central Frequency Bureau of that Corporation; and that he will have charge of all national and international matters relating to the allocation of frequencies for the Radio Corporation of America and its subsidiaries including the National Broadcasting Company.

FCC REGULATIONS GOVERNING REGIONALS MAY BE CHANGED

A public hearing involving proposed changes in the regulations affecting regional frequencies is expected to be announced shortly by the Broadcast Division of the FCC. It is understood that a recommendation by the Engineering Division, made several months ago, will serve as the basis for the hearing.

The proposed modifications, according to information received from unofficial sources, would divide the forty regional frequencies into three groups: those stations operating on the frequencies 590, 610, 620, 900, 920, 940 and 950 kilocycles would be permitted to increase their nighttime power to 5 kilowatts; the second group of stations operating on the frequencies 1010, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1320, 1330, 1340, 1350, 1360, 1380 and 1390 kilocycles would be permitted to operate with power not to exceed 1 kilowatt nighttime and not to exceed 5 kilowatts daytime and would be protected to their 1 millivolt line at night and to their one-half millivolt line daytime; a third group of stations operating on the frequencies 550, 560, 570, 580, 600, 630, 780, 880, 890, 930, 1120, 1400, 1410, 1430, 1440 and 1450 kilocycles, would be permitted to operate with nighttime power ranging from 250 watts to 1 kilowatt and with day power not exceeding 5 kilowatts and would be protected to their 4 millivolt line.

GEORGE HOGAN

Howard W. Davis, General Manager of radio station KMAC, San Antonio, Texas, will appreciate information as to the whereabouts of George Hogan, an announcer.

FCC CONSIDERS ITALIAN BROADCAST

The Commission en banc on October 23rd adopted the following resolution, proposed by Commissioner Payne:

"I move that the Commission obtain the facts as far as they relate to the American communications companies under regulation of this commission, as to the alleged cancellation of a broadcast to this country from Geneva by Delegate Baron Pompeo Aloisi, on October 10, 1935."

RECOMMENDS RENEWING WOCL LICENSE

Broadcasting Station WOCL, Jamestown, N. Y., applied to the Federal Communications Commission for renewal of its license which was designated for hearing by the Commission. The station operates on a frequency of 1210 kilocycles, 50 watts power and unlimited time.

Examiner Melvin H. Dalberg in Report No. I-122 recommends that the license be renewed. The Examiner found that the practices of the station do not constitute a violation of the provisions of the Communications Act or of the rules of the Commission. He found also that the station "is constructed and being operated in accordance with the Rules and Regulations of the Commission and of good engineering practice". It is also operating in the public service, the Examiner states.

RECOMMENDS AGAINST NEW INDIANA STATION

The Hammond-Calumet Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Hammond, Ind., to use 1480 kilocycles, 5,000 watts power and daytime hours of operation.

Examiner Ralph L. Walker in Report No. I-123 has recommended that the application be denied. Among other things the

Examiner found that "the operation of a station as proposed with the equipment described in the application, would result in objectionable interference with at least one existing station." It is also pointed out by the Examiner that the proposed station would be well within the metropolitan area of Chicago which area receives adequate radio service now.

KLS CHANGE RECOMMENDED

Broadcasting Station KLS, Oakland, Cal., applied to the Federal Communications Commission to change its frequency from 1140 to 1280 kilocycles, and to change its hours of operation from daytime to unlimited. The station operates with 250 watts power.

Examiner John P. Bramhall in Report No. I-124 has recommended that the application be granted. He found that there is need in the area for additional nighttime service, and that the interest of no other station would be adversely affected by the granting of the application. The Examiner states further that "there are no applications pending at this time which involve the increase of either state or zone quotas." Also he found that the granting of the application would be in the public interest.

SUGGESTS DENIAL OF TELEVISION APPLICATION

The National Television Corporation applied to the Federal Communications Commission for a construction permit to erect an experimental visual broadcast station in New York City.

Examiner R. H. Hyde in Report No. I-125 has recommended that the application be denied. The Examiner states that "it does not appear from the evidence presented in this proceeding that the applicant's proposed use of the frequency assignment of 2000-2100 kilocycles would contribute substantially toward the progress of the radio art. * * * In this connection it appears that other frequency assignments allocated for experimental visual broadcasting, allowing substantially greater frequency spread, are better suited to the service."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

No. 2575. Unfair competition through misrepresentation of the efficiency of electric light bulbs is alleged in a complaint against **Lightmore Appliance Corporation of New York City,** a manufacturer of incandescent lamps, and **Solar-Ray Lamp Co., Inc., of New York City,** a distributor.

According to the complaint, figures printed by the respondents on the bulbs sold by them, representing the numbers of watts, were either greatly in excess of or less than the actual watt measurement of the lamps, and the respondents knew, or with ordinary care should have known, that their lamps were falsely branded.

No. 2576. A complaint has been issued against **Pennsylvania Whiskey Distributing Corporation, of Brooklyn, N. Y.,** alleging representation of the company as a distiller by abbreviation of the word "Distributing" to "Dist." in its corporate name, and in other ways, when in fact it is not a distiller.

The complaint also charges the respondent with falsely representing its own warehouse receipts and contracts for bonded liquor as official United States Internal Revenue bonded warehouse receipts.

No. 2587. Alleging a conspiracy to fix prices of lobsters obtained from Canadian and American waters and shipped throughout the United States, a complaint has been issued against the **Associated Lobster Dealers of Massachusetts** and several of its officers and members.

A combination resulting in the suppression of competition in the capture, purchase, sale and distribution of Canadian and domestic lobsters, by means of this unincorporated association and agreements between its officers and members, is alleged in the complaint. Charging the association and its members with conspiring together to standardize and fix from day to day the price at which the Canadian supply of lobsters is bought from the fishermen in the Boston market, and to arbitrarily divide this supply among the wholesaler respondents in accordance with agreements made, the complaint points out that lobsters derived from Canadian waters off the coast of New Brunswick and Nova Scotia constitute approximately 80 per cent of the entire lobster supply of the United States.

No. 2591 and 2592. Two companies selling garments have been served with complaints alleging unfair methods of competition.

Arco Shirt Corporation, New York, is charged with advertising itself a manufacturer when, the complaint alleges, it operates no factory; and **Harford Frocks, Inc., of Cincinnati,** is alleged to have misrepresented the conditions of employment and remunerations of agents who sell its goods.

No. 2593. Prize contests conducted by unfair competitive methods are alleged in a complaint issued against the **Health-O Quality Products Co., Cincinnati,** distributor of toilet preparations, cosmetics and flavoring extracts.

The complaint alleges that the respondent, in its advertising, has falsely created the impression that a certain final or grand prize would be given the person sending in the best answer to a propounded question and that there was nothing else for a contestant to do other than send in the best answer. Other misleading representations are also alleged.

No. 2594. Alleging unfair competition in the sale of a cleaning fluid, a complaint has been issued against **Afta Solvents Corporation of New York City.**

The complaint charges that the respondent falsely represented that "Afta Spot Remover" would remove foreign matter from fabrics; that such removal would leave no "ring" and would not injure the material or its color. These representations are alleged to be untrue and to have the effect of unfairly diverting trade from competitors to the respondents.

No. 2595. Threats and intimidations made in bad faith, with the effect of substantially injuring or embarrassing competitors, are alleged in a complaint issued against **Henry S. Blumenthal of Jackson Heights, Queens, N. Y.,** and the **Ribbonew Corporation of America,** manufacturer and distributor of a device for rejuvenating worn-out typewriter ribbons.

The complaint says the respondents, especially Blumenthal, issued letters threatening patent infringement suits or other litigation against purchasers or users of competitors' products, claiming these products to be infringements on the respondents' products, and warning purchasers of the respondents' intention to institute suits against them. According to the complaint, these warnings were not made in good faith, nor on probable or reasonable cause, but with the intention and effect of causing trade to be unfairly diverted from competitors.

No. 2596. Misrepresentation in the sale of incandescent lamps is alleged as an unfair method of competition in a complaint issued against **Grand Gaslight, Inc., of New York City,** a distributor of lamps for general lighting service.

Unfair representation that the respondent is a manufacturer and that purchasers of its products would obtain a direct-from-factory price and save a middleman's profit, is charged in the complaint.

No. 2597. A complaint has been issued against **Sanderson Adjustment Bureau, Inc., of Atlanta,** and **H. J. Sullivan,** its president and treasurer, operating as **"Creditors Protective Service,"** charging unfair methods of competition in the sale of a collection system for the use of merchants, professional men and others in collecting unpaid accounts.

This bureau, according to the complaint, appropriated a system of form collection letters originally compiled by F. R. Sanderson, organizer of the bureau, and made use of Sanderson's portfolio of reference letters and testimonials, without his permission.

No. 2599. The **Diamond Match Company, of New York City and Baltimore,** has been served with a complaint charging unfair competition through misrepresentation of matches sold in interstate commerce.

Matches known as "Strike Anywhere Matches" were sold as "Safety First Diamond Matches," according to the complaint. This is alleged to have been unfair competition with manufacturers of "safety matches" which can be lighted only upon the friction surface of the box thereof, as well as unfair competition with other manufacturers of "strike anywhere matches" which can be lighted on any friction surface.

Stipulations

The Commission has announced the following cease and desist orders:

No. 0925. Harry Burke, trading as Burksons, Chicago, and selling a lubricating oil designated "Double Duty Durol", agrees to stop making representations such as: That the product is the only improvement in graphoid lubrication in three years; that it is the sensation product of thirty-five years' chemical engineering experience, or the lubrication sensation of the age, and that it steps miles ahead of competition. According to scientific advice received by the Commission, the product will not materially increase the speed of a car and will do little if any more than other standard lubricants.

No. 0926. Ollie McMullin, trading as Tilden McMullin Company, Sedalia, Mo., and selling a treatment for coughs and colds, bronchial and similar ailments called "McMullin's Formula", agrees to stop representing this product as a competent remedy and from making other similar advertising assertions. Medical opinion furnished the Commission was that the preparation was "without therapeutic value in the conditions mentioned in the advertising."

No. 0927. Modern Appliances, Inc., Chicago, dealing in a device for opening cigarette packages, agrees to stop representing or holding out as an opportunity for prospective salesmen any amount in excess of what has actually been made by respondent's salespersons under normal conditions. In a stipulation, this company admits making the representations alleged and asserts it has definitely discontinued advertising the commodity and does not at present intend to resume such advertising.

No. 0928. Standard Homeopathic Company, Los Angeles, sells a treatment for constipation called "Tindini". The stipulation says the Commission, after an investigation, has reason to believe the company's advertising is exaggerated and misleading. A medical report to the Commission says the preparation contains psyllium seed to absorb moisture, but is not possessed of unusual properties and is not a cure or competent treatment for constipation.

No. 0929. National Ad-Gum Company, Cincinnati, selling a chewing gum with the dispenser's advertisement on the wrapper, agrees to cease making unmodified representations or claims of agents' earnings in excess of the average earnings of the company's active full-time salespersons.

No. 0930. Hollywood Motion Picture Self Training Course, La Crescenta, Calif., is said to have advertised in part as follows:

"Mr. Keepers, who is recognized as an authority on all matters pertaining to motion picture photography and projection, is the originator of self-training home study for the art and science of cinematography and sound projection. His experience in these lines of endeavor dates back to 1900, when he started with Thomas A. Edison, at Orange, N. J.; at the very birth of the motion picture in America."

The stipulation points out that in fact Keepers' experience does not date back to 1900 and that he did not start with Edison and that other representations made by Keepers were exaggerated and misleading. Keepers agreed to stop representing that he is a recognized authority on motion pictures; that his course is being studied all over the world; that many theatre owners or managers are interested in the course, and other representations.

No. 0931. Beebe Laboratories, Inc., St. Paul, vendor-advertiser of a compound for treating poultry infested with worms, agrees to stop representing that the compound is a competent treatment for this ailment, unless the representations are limited in certain respects indicated in the stipulation.

No. 0932. Ella Jewell, Inc., of Akron, Ohio, vendor-advertiser of a mechanical device for the treatment of foot troubles designated "Toe Tie," agrees to stop representing that it is a "miracle" invention; that it will end the misery of tired aching feet, and other representations. Medical advice received by the Commission was to the effect that the respondent's article would be of doubtful value for deformity of toes and would afford no support to the arch of the foot, the point at which most mechanical devices are aimed for relief of aching feet.

No. 0933. Premier Coil Cleaner Manufacturing Company, of Chicago, selling a machine for cleaning beer coils, agrees to cease making unmodified representations of earnings or profits in excess of the average full-time earnings of customer-salesmen under normal conditions. The company agrees to stop using the word "manufacturing" in its corporate name, until such time as it manufactures the product offered for sale.

No. 0934. Dr. A. W. Daggett, S. M. Sweeney, and E. C. Groves, of Pasadena, Calif., operating as The Smad Company, sell an ointment for treating athlete's foot and other foot afflictions. The respondent agrees to stop certain representations in advertising, including the assertion that use of Smad for athlete's foot permanently destroys the fungus growth, or insures against a recurrence of the trouble. According to medical information received by the Commission, no remedy is a sure cure for fungus infections of the feet, and the respondent's preparation was tested and given a ten days' trial without effect upon the disease mentioned.

No. 0935. John C. Coles, of Chicago, trading as Business Ownership Institute and selling a correspondence course in and an outfit for the cleaning and pressing of clothes, agrees to stop representing that the respondent grants exclusive territorial rights to subscribe for the home study course; that the respondent will show how to get a cleaning and pressing outfit for a limited time, unless and until the time limit is actually set, and other representations. After investigation it was found that many of the respondent's advertising representations were exaggerated and misleading.

No. 0936. Ralph C. Curtiss, of Chicago, trading as Illinois Manufacturing Laboratories and selling a product for adding power and efficiency to motor fuel called "Miracle Gas Compound," agrees to stop representing that this preparation used in any kind of gasoline makes a high-powered non-carbon-forming fuel; that two gallons of gasoline treated with the product will give the mileage of three gallons, and other representations. The respondent also agrees not to make unmodified assertions regarding the earnings of sales agents.

No. 0937. C. H. Hadlock, of Chicago, operating as Haldon Products Company, engaged in selling carded merchandise, agrees to stop representing that certain quilled toothpicks offered for sale are antiseptic, and that merchandise of a value of $1.20 or other denominations is sold for eighteen cents, or other greatly reduced prices.

No. 0938. Spokanogan Chemical Company, of Spokane, Wash., dealer in a saline product called "Solcano," offered as a treatment for rheumatism, arthritis, and other troubles, agrees to stop advertising it, among other things, as a competent remedy or that it will "safeguard complexions" or that it is "mineralized sunshine." Medical opinion received by the Commission points out that the preparation is but a saline laxative the value of which is limited to the relief of occasional constipation, and that the therapeutic claims made for it are unwarranted.

No. 0939. Willard Tablet Company, Inc., Chicago, selling a treatment for ulcers of the stomach and other diseases, advertised over a Kansas radio station and through other media. According to the stipulation, the treatment was advertised as "intended to correct the cause of your trouble and improve your health." However, from investigation made, the Commission has reason to believe the respondent's advertising to be exaggerated and misleading. The company agreed to stop asserting that Willard Treatment is a treatment for ulcers of the stomach, unless the representations are limited to conditions caused by hyperacidity. Other assertions of like import will be discontinued.

No. 0940. The U. S. School of Music, New York, selling a course of home study in music lessons advertised that it had taught 700,000 people to play—"more than any other school on earth." From an investigation it was found there was no proof that the respondent had taught that many persons to play music and that other assertions made in the company's advertising were also incorrect and misleading. The respondent agrees to stop the unfair advertising specified.

No. 0941. Republic Paint & Varnish Works, Chicago, agrees to cease representing that its "Uni-Spar Phenolite Varnish" possesses elasticity or resiliency so amazing that dried film can be crumpled in the hand without a wrinkle, or smoothed out again without a crack, and that the product is the most durable indestructible finish that can be applied, and impervious to spilled perfume, alcohol, or liquor.

No. 0942. Woodbury College, Inc., Los Angeles, conducting a correspondence course in costume designing, agrees to stop unfair representations as to the price of its course; agrees, in advertising its costume designing department, to cease asserting that the college has celebrated its fiftieth anniversary or any anniversary exceeding the actual age of the costume designing department, and other representations such as that noted movie stars or other prominent persons will be counsellors and advisers of students, until such time as this is true. The school also agrees to stop making unmodified representations of earnings in excess of what its active students or graduates achieve under normal conditions.

No. 2217. Unfair representation in the sale of shoes is prohibited in an order to cease and desist issued against **Morris Shoe Company, Inc., New York City.**

The order directs the shoe company to stop using the word "Doctor" or the abbreviation "Dr." in a trade name or designation for shoes, or in any other way which may tend to mislead buyers into believing that the shoes are made in accordance with the design or under the supervision of a doctor, when this is not true.

No. 2491. Unfair competition through imitation of the packages, labels, brand names or advertising of a competitor, is prohibited in an order to cease and desist issued against **Vincent Maggiore, of Canton, Ohio,** trading as **Amo-Line Company.**

Maggiore is directed to cease imitating the packages, labels and brand names of the Climalene Co. of Canton, and from use, in connection with the sale and advertising of a cleanser and water softener, of the name "Amo-Line."

No. 2501. Misrepresentation of the size and facilities of a business is prohibited as an unfair method of competition in an order against **K & E DeLuxe Padded Van Co., Inc.**, and **United Van Service**, both of **Jersey City, N. J.**

Among representations banned by the Commission in its order is the advertisement that either company owns or possesses 1,250, 1,200 or 1,000 vans, trucks or motor carriers, or any number of vehicles in excess of the actual number owned.

Complaints Dismissed

Nos. 2541 and 2441. The Commission has dismissed complaints against two liquor distributing companies, alleging unfair competition through representation of distributors as distillers.

Complaint against **Distillers' Distributing Company,** a wholesaler, of **Denver, Colo.,** was dismissed following receipt of certified information that the company had changed its corporate name to "Reuler-Lewin, Inc.," completely discontinuing use of its former name, Distillers' Distributing Company. The Commission deemed that further proceeding against the company was not necessary in the public interest.

In the case of **Imperial Distilling Corporation,** a liquor dealer, of **Hoboken, N. J.,** the Commission learned that the respondent had sold its equipment, surrendered its revenue stamps, allowed its rectifier's permits to expire, and discontinued all operations in which it was engaged at the time the Commission's complaint was issued.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

Avon Gold Mines, Ltd., Montreal, Canada. (2-1705, Form A-1)
Miller Wholesale Drug Company, Cleveland, Ohio. (2-1706, Form A-2)
Eaton & Howard Management Fund, Boston, Mass. (2-1707, Form A-1)
Investors Fund of America, Inc., Jersey City, N. J. (2-1708, Form A-1)
Airway Cargo Express, Inc., Wilmington, Del. (2-1709, Form A-1)
Cape & Vineyard Electric Co., Falmouth, Mass. (2-1710, Form A-2)
Livingston Mining Company, Boulder, Colo. (2-1711, Form A-1)
Cimarron Petroleum Trust, Tulsa, Okla. (2-1712, Form A-1)
Automobile Finance Company, Pittsburgh, Pa. (2-1713, Form A-1)
Distilled Liquors Corporation, New York City. (2-1714, Form A-1)

BROADCAST ADVERTISING IN SEPTEMBER

Highlights of the Month

September broadcast advertising showed conflicting trends. Total volume amounted to $5,669,856 and remained at approximately the same level as during the preceding month. National network volume showed the principal increase, while national non-network advertising declined materially as against August.

All forms of broadcast advertising remained above the September 1934 level. Total broadcast advertising was 23.9% greater than during the corresponding month of the preceding year and 43.2% more than in September 1933.

Total non-network advertising declined 13.9% as against August. This was due principally to decreased clear channel and regional station business. Principal declines occurred in the basic national network territory embracing the eastern and north-central parts of the country.

Local station volume rose 25.9% as compared with August and was 56.0% greater than during September of last year. Advertising over this class of station was double the September 1933 volume.

In the non-network field, the heaviest declines as compared with August occurred in electrical transcription and live talent business. These types of advertising, however, remained materially above the 1934 level.

The marked gain in local transcription and record volume, as compared with the preceding month and as against September 1934, is especially to be noted.

Gains in national network advertising were fairly general. Clothing, gasoline and accessory advertising showed the principal increases in the regional network field. Increased radio set advertising constituted the principal bright spot in the national non-network field. Local business was spotty, with clothing and department store advertising showing the principal increases.

Comparison with September 1934 indicates food, accessory and tobacco advertising to have experienced the greatest gains in the national network field. Automotive, food, tobacco and radio set advertising have made the strongest showing in the national non-network field. Local broadcast advertising trends continued to be the same as those shown during the past few months.

Total Broadcast Advertising

Broadcast advertising over stations and networks during September is found in Table I:

TABLE I

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*August*	*September*	*Cumulative Jan.-Sept.*
National networks	$2,939,097	$3,337,018	$35,571,567
Regional networks	82,993	81,108	722,102
National non-network	1,347,440	963,430	12,198,988
Local	1,267,960	1,288,300	13,738,665
Total	$5,637,490	$5,669,856	$62,231,322

Total broadcast advertising increased 0.6% as against August. National network volume rose 13.5% and local advertising 1.6%. National non-network volume declined 28.5% and regional network business 2.3%.

Comparison with 1933 and 1934

Total broadcast advertising was 23.9% greater than during the corresponding month of last year. Gains were as follows: national networks 40.0%, national non-network advertising 23.2%, and local broadcast advertising 9.6%.

Compared with September 1933, total broadcast advertising experienced a gain of 43.2%. National network volume rose 58.7%, regional network business 29.8%, national non-network volume 47.2%, and local broadcast advertising 9.5%.

Comparison with Other Media

Advertising volume in major media is presented in Table II:

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*August*	*September*	*Cumulative Jan.-Sept.*
Radio broadcasting	$5,637,490	$5,669,856	$62,231,322
National Magazines [1]	7,387,939	9,248,763	92,668,575
National farm papers	305,231	486,552	4,105,308
Newspapers [2]	37,385,000	41,998,000	370,928,000
Total	$50,706,660	$57,403,171	$529,933,205

[1] Publishers' Information Bureau.

[2] Estimated.

The usual seasonal trends occurred in all media. National magazine volume increased 25.2% as compared with the preceding month. National farm paper advertising rose 59.4% and newspaper volume increased 12.3%.

Radio still continues to make the strongest showing as compared with the preceding year. Newspaper lineage increased 5.2% as compared with last September, while national farm paper advertising rose 12.6%. Magazine volume declined 3.1%.

In the newspaper field retail advertising rose 6.9% and general advertising 3.3%. Department store advertising increased 6.3%.

Non-network Advertising

General non-network advertising declined 13.9% as compared with August and rose 15.0% as against September of the preceding year. The principal declines during the month were in the clear channel and regional groups and in the eastern and north-central areas.

Clear channel non-network volume decreased 28.5% and regional volume 10.6%. Clear channel non-network business was 4.4% ahead of last September and regional station advertising 11.6%.

Local station volume was 25.9% above August, showed a gain of 56.0% as compared with the corresponding month of 1934, and was nearly double the September 1933 volume.

Non-network advertising by power of station is found in Table III:

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*August*	*September*	*Cumulative Jan.-Sept.*
Over 1,000 watts	$1,201,000	$858,350	$12,028,315
250-1,000 watts	1,061,900	949,680	10,262,495
100 watts	352,500	443,700	3,646,853
Total	$2,615,400	$2.251,730	$25,937,663

Declines in non-network advertising were fairly general throughout the country. The South Atlantic-South Central Area, however, showed the greatest strength, decreasing but 3.1% as compared with August. New England-Middle Atlantic volume was approximately one-third below September of last year, while North Central and Far Western advertising increased by approximately three-eighths. Southern volume was practically double that of September 1934.

Non-network advertising by major geographical districts is found in Table IV:

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*August*	*September*	*Cumulative Jan.-Sept.*
New England-Middle Atlantic Area	$613,800	$513,315	$6,664,152
South Atlantic-South Central Area	342,280	331,530	4,003,098
North Central Area	1,103,520	913,340	9,919,307
Pacific and Mountain Area	555,800	493,545	5,351,106
Total	$2,615,400	$2,251,730	$25,937,663

Non-network Advertising by Type of Rendition

General declines were experienced in the national non-network field as compared with the preceding month. Transcription volume dropped 26.0%, live talent business 33.7%, and announcements 17.1%.

Transcription volume remained 38.5% greater than in September 1934, while live talent business showed an increase of 20.9%. Announcement volume declined 1.2% as against the same month of last year.

Local transcription volume increased 14.0% over August, while announcement business rose 8.6%. Live talent and record volume declined approximately 6.0%, respectively.

Local transcription business was 51.4% greater than during last September, while record volume gained 66.5%. Local announcement business was 25.0% ahead of the corresponding month of last year, while live talent business declined 9.8%.

Broadcast advertising by types of rendition is presented in Table V:

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1935 Gross Time Sales						
	National Non-network		*Local*		*Total*		*Cumulative*
Type of Rendition	*August*	*September*	*August*	*September*	*August*	*September*	*Jan.-Sept.*
Electrical transcriptions	$474,600	$350,980	$103,800	$118,300	$578,400	$469,280	$5,438,678
Live talent programs	686,320	454,740	594,400	559,625	1,280,720	1,014,365	12,362,870
Records	6,540	8,495	59,710	56,375	66,250	64,870	621,951
Announcements	179,980	149,215	510,050	554,000	690.030	703,215	7,514,164
Total	$1,347,440	$963,430	$1,267,960	$1,288,300	$2,615,400	$2,251,730	$25,937,663

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(September, 1935)

	Gross Time Sales				
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$2,540	$37,800	$40,340
1–2. Automobiles and accessories:					
(1) Automobiles	$166,370	—	149,280	46,110	361,760
(2) Accessories, gas and oils	388,882	$9,955	52,885	74,400	526,122
3. Clothing and apparel	38,789	7,490	25,980	197,870	270,129
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	392,246	5,023	127,900	37,075	562,244
(5) Toilet goods	730,837	440	37,710	17,500	786,487
6–8. Food products:					
(6) Foodstuffs	740,667	18,191	236,375	171,130	1,166,363
(7) Beverages	224,322	990	55.920	74,030	355,262
(8) Confections	42,145	200	6,900	5,635	54,880
9–10. Household goods:					
(9) Household equipment and furnishings	27,068	6,163	41,845	154,300	229,376
(10) Soap and kitchen supplies	149,822	3,432	48,410	2,100	203,764
11. Insurance and financial	40,274	580	12.275	45,360	98,489
12. Radios	67,330	—	24,850	12,950	105,130
13. Retail establishments	—	—	7,760	123,520	131,280
14. Tobacco products	183,980	22,188	26,600	4,920	237,688
15. Miscellaneous	144,286	6,456	106,200	283,600	540,542
Total	$3,337,018	$81,108	$963,430	$1,288,736	$5,669,856

Sponsor Trends in September

National network advertising showed general gains. The greatest increase was in drug and pharmaceutical volume, which rose 54.2%. The only decline occurred in the soap and kitchen supply field, where volume dropped 2.2%.

In the regional network field, clothing and gasoline advertising showed the greatest gains as against the preceding month. Radio set advertising rose 130.1% in the national non-network field, while food, automotive, gasoline and accessory, and soap advertising declined materially.

Local broadcast advertising showed conflicting tendencies. The principal gains occurred in the clothing, gasoline, radio and department store fields.

Comparison with 1934

Principal gains in the national network field as compared to the corresponding month of 1934 were as follows: Gasoline and accessories 48.3%, drugs and pharmaceuticals 19.7%, food 55.7%, confectionery and tobacco, respectively, tripled.

Tobacco, household equipment, paint, and clothing advertising showed the principal gains in the regional network field. Food, beverage, automotive, and tobacco advertising continued to show the greatest strength in the national non-network field. Radio set advertising of this type increased from $1,800 last September to $24,850 during September of the current year.

Clothing, food, and house furnishings advertising continued to show the greatest strength in the local field.

Broadcast advertising by various types of sponsoring industries is found in Table VI, page 1007.

Details regarding trends in the various fields of sponsorship are found in the following summaries:

1a. ***Amusements.*** Volume down 28.2% compared to previous month. Amusement advertising remains 7.8% above last September's level.

1. ***Automotive.*** Compared to August, national network up 19.8%, national non-network down 22.3%, and local down 12.4%. National network 8.8% above last September, national non-network up 381.0%, and local up 10.0%.

2. ***Gasoline and accessories.*** National network volume 11.3% above preceding month, regional down 25.4%, national non-network down 39.4%, and local up 13.2%. Compared to September 1934, national network volume up 48.3%, regional network volume down 40.0%, national non-network down 53.3%, and local up 25.1%.

3. ***Clothing.*** National network volume nearly double August and regional more than double. National non-network up 16.2% and local 10.4%. Compared to last September, national network volume unchanged, regional up 84.3%, local up 50.7%, and national non-network 29.5%.

4. ***Drugs and pharmaceuticals.*** National network volume 54.2% above August, regional 37.2%, and local 14.0%. National non-network down 8.9%. Compared to corresponding month of 1934, national network up 19.7%, national non-network up 6.5%, and local down 40.1%.

5. ***Toilet goods.*** National network advertising 6.7% above August, local down 3.3%, and national non-network down 36.6%. National network volume 12.8% ahead of last September, national non-network 16.0% ahead, and local down 12.5%.

6. ***Foodstuffs.*** National network 4.2% greater than in August. Regional network advertising down 11.7%, national non-network down 30.5%, and local 9.9%. Compared to corresponding month of last year, gains as follows: National network 55.7%, regional network, 26.7%, national non-network 77.8%, and local 18.7%.

7. ***Beverages.*** National network volume 16.1% over August and regional network advertising 20.7% ahead. National non-network and local advertising down 17.0%. Compared to last year, national network volume 15.4% greater. National non-network volume up 86.6% and local down 10.8%.

8. ***Confectionery.*** National network 51.6% over preceding month. National non-network down 41.0% and local down 58.2%. National network advertising more than tripled last September. Local same. National non-network up 40.0%.

9. ***Household equipment.*** National network advertising 8.7% ahead of August. Regional network volume down 1.9%, national non-network 25.0%, and local 1.3%. Compared to September 1934, national network volume down 10.4%, national non-network unchanged, and local up 31.6%. Regional network volume increased from $424 to $6,163.

10. ***Soaps and kitchen supplies.*** General decline as follows: National networks 2.2%, national non-network 68.5%, and local 67.7%. Compared to same month of 1934, national network volume down 18.6%, national non-network up 21.7%, and local volume tripled.

11. ***Insurance and financial.*** National network volume 51.4% greater than in August and regional volume up 25.0%. National non-network down 54.0% and local volume unchanged. National network and national non-network volume unchanged from last September. Local up 24.7%.

12. ***Radios.*** National network volume 56.6% above August, national non-network up 130.1%, and local up 67.1%. Compared to the corresponding month of last year, national network volume up 19.7%. National non-network advertising increased from $1,800 to $24,850. Local volume unchanged.

13. ***Department and general stores.*** National non-network volume down one-third as against August and local volume up 21.8%. National non-network volume five times last September and local up 4.0%.

14. ***Tobacco products.*** National network advertising unchanged from August, regional up 6.6%, national non-network down 47.1%, and local down 23.7%. Compared to September 1934, national network volume more than tripled, regional volume increased from nothing to $22,188, national non-network advertising doubled, and local up materially.

15. ***Miscellaneous.*** National network volume up 73.1% as against August. Regional volume down 14.2%, and national non-network 23.2%. Local up 12.5%. National network volume nearly double last September, with material gains in other fields.

Retail Broadcast Advertising

Advertising by retail establishments increased 2.5% as against August. Retail volume was 31.7% ahead of September of last year and 42.2% greater than during the corresponding month of 1933. The greatest gains continued to center in the apparel and house-furnishings fields. Retail broadcast advertising during September is found in Table VII:

TABLE VII
RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

	1935 Gross Time Sales	
Type of Sponsoring Business	*Aug.*	*Sept.*
Automobiles and accessories:		
Automobile agencies and used car dealers	$49,980	$47,770
Gasoline stations, garages, etc.	45,860	31,615
Clothing and apparel shops	183,320	206,080
Drugs and toilet goods:		
Drug stores	17,090	17,700
Beauty parlors	7,270	7,320
Food products:		
Grocery stores, meat markets, etc.	42,115	36,700
Restaurants and eating places	21,183	19,480
Beverage retailers	1,700	2,020
Confectionery stores	474	600
Household goods:		
Household equipment dealers	53,000	47,940
Furniture stores	88,810	80,600
Hardware stores	13,600	15,895
Radio retailers	9,310	8,610
Department and general stores	113,880	131,280
Tobacco shops	175	115
Miscellaneous	58,350	70,500
Total	$706,217	$724,225

ANSWER FILED IN WDAS CASE

Answer was filed Saturday (26th) in the case of Fred Waring vs. WDAS Broadcasting Station, Inc. (See NAB REPORTS, Pages 968, 995).

The text of the answer follows:

FRED WARING vs. WDAS BROADCASTING STATION, INC. } C. P. No. 4
June Term, 1935
No. 9053

Defendant's Answer

WDAS BROADCASTING STATION, INC., a corporation, the above-named defendant, saving and reserving unto itself all benefit and advantage of exception to the manifold errors, uncertainties and other imperfections in the Plaintiff's Bill of Complaint contained, for answer thereto, or to so much and such part thereof as it is advised is material or necessary for it to answer,

Respectfully Showeth:

1. Denied. Defendant has no knowledge as to the averment that the plaintiff is substantially the sole and exclusive owner and conductor of the Orchestra known as "Waring's Pennsylvanians," and has no means of obtaining any information regarding the truthfulness of said averment and therefore demands proof thereof at the trial of this issue.

2. Denied. Defendant denies that the plaintiff is and has been for a long time past a unique and individual artist and performer in his field as an orchestra conductor and is an interpretative musical artist, but, on the contrary, avers that musical selections can be and have been interpreted, rendered, played and performed by other musicians and orchestras in the same or similar manner as interpreted, rendered, played and performed by the plaintiff, and that the plaintiff's performances and interpretations are not unique and individual in the sense that no one else can perform and interpret the same musical selections which the plaintiff performs and interprets. Defendant has no knowledge of the international reputation of the plaintiff, and has no means of ascertaining the truth thereof, and therefore demands proof thereof.

3. Denied. Defendant denies that the plaintiff's interpretive performances are entirely unique and individual to himself, for the reasons set forth in Paragraph 2 hereof; and denies that his performances are "generally so recognized by the public and that they are specifically recognized as his own personal and individual interpretations and are, therefore, unique," for the reasons set forth in Paragraph 2 hereof, and for the further reason that the general public, including musicians, is unable to recognize the plaintiff's orchestra performing, as distinguished from other orchestras, for the reason that other orchestras and musicians are able to give similar performances of the same musical selections.

4. Denied. Defendant avers that Waring's Pennsylvanians is not unlike any other orchestra or body of musicians, and is not unusual or different from any other group of musicians banded together or playing together under a name identifying the group or orchestra. That the musical performances of the said Waring's Pennsylvanians are not unlike the musical performances of other orchestras, nor is their performance of musical selections unusual in the sense that musical selections cannot be rendered or performed by other musicians and orchestras in the same or similar manner. That musical performances by Waring's Pennsylvanians cannot be recognized by the general public as the performances of any particular group of musicians or orchestra. Defendant has no knowledge of the international reputation of either the plaintiff or Waring's Pennsylvanians, and has no means of ascertaining the truth thereof, and therefore demands proof thereof.

5. Admitted.

6. Admitted.

7. Defendant admits that it did on July 2nd, 1935, play and give renditions of Victor phonograph records entitled, "I'm Young and Healthy" and "You're Getting to be a Habit with Me," which the plaintiff and his Orchestra rendered for the R. C. A. Victor Company, Inc., as an employee.

8. Defendant avers that said records contained the following: "This record is not licensed for radio broadcast," and further avers that the allegations contained in this Paragraph are wholly immaterial, for the reasons more fully set forth hereafter under "New Matter."

9. Defendant denies that plaintiff has a common-law right of property or any other right of property in and to his interpretation of the musical numbers specified in Paragraph 7, or in or to the said phonograph records, as more specifically hereinafter set forth under "New Matter."

10. Defendant admits that plaintiff has never expressly granted permission to the defendant to broadcast his records for commercial purposes and that it has never accounted to him for the use of said records, but avers that these allegations are wholly immaterial for the reasons more fully set forth hereafter under "New Matter."

11. Denied. Defendant denies that its use of the said records is a serious menace to the business, interests, rights, contractual engagements and income of the plaintiff and avers that it is immaterial whether the use by it for broadcasting purposes of the said records is a serious menace to the business, interests, rights, contractual engagements and income of the plaintiff, for reasons set forth hereafter under "New Matter."

12. Defendant denies that the use of the records to which plaintiff refers in his Bill of Complaint is illegal and that the defendant's continued use of said records will seriously injure the contractual rights and property rights of the plaintiff, and will cause other irreparable damage to the plaintiff's property rights. On the contrary, defendant avers that plaintiff does not have any contractual rights or property rights in the records to which he refers in the Bill of Complaint, and that he will not be damaged irreparably or otherwise by defendant's continued use of said records for broadcasting purposes in the operation of its business.

Defendant avers that if the prayer of the Plaintiff, as set forth in the Bill of Complaint, is granted, it will be denied its property rights and its right to the lawful use of its property.

New Matter

Further answering, the defendant avers on information and belief:

13. That the plaintiff performed for the making of the Victor phonograph records to which he refers in Paragraph 7 of his Bill of Complaint under a contract between the plaintiff and RCA Victor Company, Inc., by the terms of which the plaintiff, for himself and on behalf of each and all of the members of his orchestra, granted to RCA Victor Company, Inc., the right at any time and all times to manufacture, advertise and license or sell in all parts of the world records of the performances by plaintiff's orchestra of the selections of which said Victor records were made, including the right to produce and reproduce the recorded performances of the orchestra by any and all mechanical, electrical or other means of disseminating or transmitting the same, with the further right on the part of RCA Victor Company, Inc., to make use of plaintiff's name and photograph, and the name of his orchestra and photographs of the members of his orchestra, in connection with the manufacture, advertising and licensing or sale of such records in any and every way in connection with sound reproduction and transmission, granting to the RCA Victor Company, Inc., all rights and equities of the plaintiff and of his orchestra, and of each of its members in and to the matrices and records upon which the performances were reproduced.

14. That plaintiff at the time said records were made, or at any other time, was not the copyright proprietor of "I'm Young and Healthy" and "You're Getting to be a Habit with Me," but that said copyright proprietor thereof was M. Witmark & Sons, the publisher of said selections.

15. That the plaintiff did not have a license from the owner of said copyrights to reproduce, perform or arrange the said musical selections at any time mentioned in the Bill of Complaint.

16. That said M. Witmark & Sons granted to RCA Victor Company, Inc., the right, license, privilege and authority to use the musical compositions, "I'm Young and Healthy" and "You're Getting to be a Habit with Me", and the words and music of both of said compositions in the recording and manufacturing of said phonograph records.

17. That prior to the time that said records were made, M. Witmark & Sons, the copyright owners of the compositions entitled, "I'm Young and Healthy" and "You're Getting to be a Habit with Me", and Al Dubin and Harry Warren, the authors of the words and music of said songs, had granted to the American Society of Composers, Authors and Publishers the performing rights of said musical compositions and all of the words and music thereof, and the right to license others publicly to perform said musical selections.

18. That at the time said records were made and at the time the performances complained of were given, the defendant was the holder of a valid license from the "American Society of Composers, Authors and Publishers" to publicly perform said songs together with the words and music thereof.

19. That for plaintiff's services in playing the musical selections "I'm Young and Healthy" and You're Getting to be a Habit with Me" for the RCA Victor Company, Inc., he received a monetary consideration of Two Hundred Fifty Dollars ($250.) per selection, which was paid to him by check of the National Broadcasting Company, Inc., and on which was written, "In full settlement for services." Said check was duly accepted and deposited by the plaintiff, without objections.

20. That after playing said selections for RCA Victor Company, Inc., to enable it to make phonograph records thereof, the plaintiff had no rights of any kind in said records and RCA Victor Company, Inc., was not bound to plaintiff by contract or otherwise, to limit in any way the use which purchasers of said records might make thereof.

21. That defendant purchased the phonograph records to which plaintiff refers in his Bill of Complaint from a dealer in such records, namely, Weymann & Company, Philadelphia, Pa., which had an unlimited, unqualified right to dispose of the same to the public without any contractual or other obligation to limit the use which the purchaser might make of the records thus purchased.

22. That prior to the purchase by the defendant of the said phonograph records, thousands of the said records were sold throughout the United States, including the vicinity of Philadelphia.

23. That at the time the plaintiff performed said musical numbers for said records, plaintiff knew that said phonograph records would be so sold to the public and that they would be used for broadcast purposes.

24. That prior to the playing of said records, defendant announced that the numbers about to be played were mechanical reproductions of plaintiff's rendition of said selections.

25. That plaintiff is and at all times has been fully aware of the facts hereinbefore set forth under "New Matter" and has, therefore, no basis whatever for instituting this action against the defendant.

Wherefore defendant prays your Honorable Court to dismiss the Bill of Complaint and to award to the defendant its costs and damages for being compelled to defend against this action.

WDAS BROADCASTING STATION, INC.
By W. MAURICE STEPPACHER.

Commonwealth of Pennsylvania,
City and County of Philadelphia, ss:

W. Maurice Steppacher, being duly sworn according to law, doth depose and say that he is Secretary and Treasurer of WDAS Broadcasting Station, Inc., the defendant named in the foregoing Answer, and that the facts set forth in the foregoing Answer and New Matter are true and correct, to the best of his knowledge, information and belief.

W. MAURICE STEPPACHER.

Sworn to and subscribed before me this 26th day of October, 1935.

EDNA F. SCHWARTZ,
Notary Public.

My Commission expires March 2, 1937.
(Seal.)

A. T. & T. PETITIONS FOR REARGUMENT IN MATTER CONCERNING INSTALLATION OF COAXIAL CABLE

The American Telephone and Telegraph Company and the New York Telephone Company has filed with the FCC (29) a petition to reopen for the purpose of hearing reargument by counsel for petitioners and of reconsidering the order of the Commission heretofore entered in the case involving the installation of an experimental Coaxial Cable between New York City and Philadelphia.

The text of the petition follows:

Before the

FEDERAL COMMUNICATIONS COMMISSION

In the Matter of the Petition of the American Telephone and Telegraph Company and the New York Telephone Company in connection with the Installation of Experimental Coaxial Cable between New York, New York, and Philadelphia, Pennsylvania

Petition for Reargument
Docket No. 3065

Come now the American Telephone and Telegraph Company and New York Telephone Company, the petitioners herein, and respectfully petition the Commission to reopen said cause for the purpose of hearing reargument by counsel for petitioners, and of reconsidering the order of the Commission heretofore entered herein in the respects hereinafter set forth; and in support of said petition respectfully show:

1. Petitioners filed their petition with the Commission on May 14, 1935, and after hearing thereon was duly held on July 15, 1935, the Commission on July 24, 1935, made and entered its final decision entitled "Findings and Order," and thereafter, on August 14, 1935, its "Report and Order," incorporating therein said "Findings and Order."

2. In said petition and through counsel at the hearing petitioners suggested to the Commission that it had no jurisdiction over the subject matter thereof and prayed a finding of the Commission to that effect and that the petition be dismissed upon that ground. Petitioners respectfully state that it appears from their said petition, from all the evidence taken and proceedings had before the Commission, from the said "Findings and Order" of July 24, 1935, and the said "Report and Order" of August 14, 1935, that the proposed coaxial cable project is purely experimental, and the Commission therefore has no authority over or with respect to said project and no jurisdiction to entertain the said petition, either under the second proviso of Section 214 (a) of the Communications Act, or any other of the provisions of said section, or under any provision of said Act. Petitioners respectfully aver that they are advised that it thereupon became and was the duty of the Commission to dismiss said petition for want of jurisdiction and proceed no further in said cause and that it was error for the Commission to take and retain jurisdiction for consideration of the merits thereof, and to make and enter said "Findings and Order" and said "Report and Order."

Petitioners hereby renew their said plea to the jurisdiction of the Commission. If, nevertheless, after reargument and reconsideration thereof, the Commission shall be of the opinion that said plea to the jurisdiction is without merit in law and shall overrule the same, then the petitioners, praying an exception to said ruling, respectfully assign error to the following provisions of the Commission's said "Findings and Order" and said "Report and Order," in the respects and upon the grounds herein stated.

3. In the third paragraph of said "Findings" (which by the terms of the order, as construed by petitioners, have the force and effect of conditions) the Commission imposed the following conditions to be binding upon petitioners in the prosecution of said project:

"During the experimental state of the coaxial cable under consideration parties interested in the transmission of television images should have access to and the use of the said cable for the use of experiments for themselves provided the petitioners and such other parties may agree upon terms and conditions whereby such access and use may be accorded by the petitioners and had by the other parties; and in case the petitioners and other parties can not agree upon such terms and conditions, such other parties may apply to the Commission for rules and regulations whereby they may have access to and the use of said coaxial cable for their proper purposes and uses";

"Under these circumstances the coaxial cable in its demonstration period can not be used by the petitioners for the development of the right to television patents, to the exclusion of other parties having access to the coaxial cable through agreement with the petitioners or by order of the Commission, and under the circumstances proposed herein the Commission is of the opinion that the petitioners can not monopolize the experimental advantages, features and uses of the coaxial cable to the disadvantage, exclusion and detriment of other parties";

Petitioners complain of the said conditions, in that they are in excess of the authority of the Commission. It has, however, been the intention of petitioners, as appears from the testimony of Dr. Frank B. Jewett at the hearing, to allow other responsible parties who have suitable apparatus for sending and receiving television images to have reasonable access to the cable for television experiments and the development of television inventions by them, to be accorded to them by petitioners upon fair and reasonable terms. In these circumstances, and in deference to the expressed view of the Commission that it should have authority to make rules and regulations governing such access and use, as set forth in the above Findings, petitioners will offer no objection to the reasonable exercise of such authority by the Commission with due regard to petitioners' experimental use of the cable in other fields of communication as well as in the field of television, provided, however, that said conditions are restated and clarified to the following effect:

(a) The words "the coaxial cable in its demonstration period can not be used by petitioners for the development of the right to television patents, to the exclusion of other parties having access to the coaxial cable" are believed to be ambiguous, and it is respectfully submitted that such words might be construed to mean that petitioners could not acquire any exclusive rights to their own inventions such as would ordinarily flow from the grant of a patent. It is to be made clear that petitioners' right to take out patents upon their own inventions is not denied or impaired.

(b) The said findings further state that "parties interested in the transmission of television images should have access to and the use of the said cable for the use of experiments for themselves." In order to avoid any misunderstanding as to the meaning, scope and effect of these words, it is to be made clear that "access" is only for the purpose of enabling such parties to connect appropriate television sending or receiving apparatus to the terminal apparatus of the cable so as to be able to use the cable for experiments in the sending or receiving of television images by means of their own apparatus. In short, petitioners have no objection to making the cable, with which petitioners themselves would experiment, available to the use of other parties for the purpose of connecting their sending or receiving television apparatus to the terminals of petitioners' cable and of experimentally testing said apparatus, such access to be thus limited.

4. The last paragraph of the Commission's Findings provides that:

"* * * and the Commission hereby asserts its right to make any other and further order, whether supplemental to or derogatory of the order now being issued, and the Commission hereby serves notice that it reserves the right to revoke the order about to be issued, either in whole or in part, after hearing upon 10 days' notice to the petitioners."

The Order of the Commission authorizes petitioners to install the coaxial cable "pursuant to the Findings above made," and further provides that it is "subject to amendment or annulment as above stated," and that "the present order and the privileges granted thereby may be declared null and void by the Commission after a hearing before it."

Petitioners are required by the express provisions of the Order, before they are permitted to avail themselves of the authority therein granted, to file with the Commission their acceptance of the Order.

Plaintiffs complain of said provisions and respectfully aver that they are in excess of the power of the Commission, in that they constitute an assertion of authority in the Commission to impose other terms and conditions, the nature of which cannot now be foreseen by petitioners, to halt the project at any stage and without regard to the expense theretofore incurred or commitments made by petitioners, and would in terms bind petitioners to the blind acceptance thereof in advance. Said provision should be either stricken from the Findings and Order or amended so as to protect the property rights of the petitioners.

5. The first paragraph of the Commission's findings (which are made conditions of the order) provides:

"The petitioners will, before attempting to use" the coaxial cable "in public service, apply for permission to do so and later abide by such order as the Commission may make after a full and complete hearing held pursuant to notice";

Said condition in terms requires petitioners to agree to abide by an order, without limitation, which the Commission may hereafter see fit to make, after due notice and hearing, in connection with any placing in public service of the said coaxial cable facilities; petitioners thus being required to enter into a present commitment to accept and abide by any order to be made in the future in a proceeding not yet instituted, the terms of which are as yet unknown.

Petitioners submit that if said condition is to be construed as simply requiring petitioners to accept any lawful order or requirement made and entered by the Commission pursuant to an application filed by petitioners at any later date, it is surplusage and meaningless. If, however, the condition is taken according to its plain words and is deemed to vest in the Commission any power in excess of that referred to above, it is unlawful. In either case the condition should be amended by eliminating therefrom the provision that petitioners will "later abide by such order as the Commission may make."

6. The order of the Commission imposes the following condition:

"A report" shall "be filed by the petitioners on the fifteenth day of each month furnishing in detail information relative to all the activities in connection with the cable during the preceding month."

Said condition is couched in such broad language as may be construed to require petitioners to publish information which is properly confidential concerning their research activities in connection with developments and ideas still in the laboratory or experimental stage, the premature disclosure of which would make such information available to others whose use of it would deprive petitioners of the fruits of their own research. Said provision should be clarified so as to remove the possibility of such a construction and preserve the legitimate rights and interests of petitioners in this respect.

7. One of the findings of the Commission, stated in the first paragraph of Findings, is "that the petitioners propose to carry on the experiment at their own expense and without cost to the public," and petitioners are required by the order of the Commission to assent thereto.

Petitioners respectfully state that they are in doubt as to the meaning and intent of said finding. In this connection petitioners refer to the averments of the original petition herein (particularly pages 4-6 thereof) and to the statement of counsel for the petitioners at the hearing in answer to the question of Commissioner Walker bearing on this point (see page 16 of the stenographer's official report of proceedings). It there appears in substance that petitioners do not propose to capitalize any part of the cost of the project during the experimental period and until petitioners are authorized by the Commission to use the cable in permanent commercial service; that in the interim certain costs initially estimated at approximately $360,000 are to be carried in suspense accounts until the final proper distribution thereof in the accounts is determined; that certain other costs estimated to amount to about $220,000 are to be currently charged to development expense; that these are very rough estimates; and that it is not possible to state definitely the proportions of the total expenditures which should be charged ultimately to development expense and to capital accounts.

The entire cost of the project from first to last will, of course, be borne by petitioners and be properly apportioned between them. It is the understanding of petitioners that such cost should ultimately appear in the expense accounts and the capital accounts, except that if it should ultimately turn out that no part thereof is to be capitalized the entire amount should go to expense.

If the above finding of the Commission is not intended to be in conflict with the understanding of petitioners as stated, then they have no objection to it. Otherwise it should either be stricken out or corrected and clarified.

8. The order of the Commission imposes the following conditions:

The order "shall not become effective for any purpose whatsoever until the petitioners file herein their acceptance of the order and their assurance that they will do nothing under the order contrary to the terms and conditions thereof without first submitting their proposal to the Commission and receiving the express sanction thereof";

Petitioners respectfully object to this provision. If and in so far as the order is within the lawful authority of the Commission, petitioners are bound to comply with it, and their acceptance and assurance can add nothing to the obligations and sanctions it imposes. If and in so far as the order exceeds the Commission's lawful powers, petitioners ought not and cannot lawfully be required to submit to it.

9. Petitioners respectfully submit that unless the said conditions hereinbefore referred to in Sections 3, 4, 5, 6, 7 and 8 hereof are clarified, amended, or vacated, so as to remove the objections hereinbefore referred to, they and each of them are unlawful and void. They and each of them exceed the lawful power and authority of the Commission, constitute an attempt on the part of the Commission to usurp the right of petitioners to manage their property and business, and said conditions, if enforced, will deny to petitioners due process of law and will result in a taking of their property in contravention of the Fifth Amendment of the Constitution of the United States.

Wherefore, Petitioners respectfully pray that the Commission reopen the said matter for reargument by counsel and consider the merits of said petition and the objections hereinabove raised to said order; that it dismiss the original petition for want of jurisdiction of the subject matter; or in the event it determine that it has such jurisdiction, it clarify, modify, or vacate the conditions of said order herein complained of, so as to remove petitioners' objections and correct the errors herein assigned.

Dated at New York, New York, October 28, 1935.

American Telephone and Telegraph Company,
By C. P. Cooper,
Vice President.

New York Telephone Company,
By H. C. Carpenter,
Vice President.

Alan J. McBean,
Frank Quigley,
Edward W. Beattie,
Attorneys for Petitioners.

C. M. Bracelen,
S. Whitney Landon,
Of Counsel.

State of New York,
County of New York, ss:

C. P. Cooper, being duly sworn, deposes and says: That he is a Vice President of the American Telephone and Telegraph Company, one of the petitioners herein; that he has read the foregoing petition, and knows the contents thereof; that the same are true as stated, except as to matters and things, if any, stated on information and belief, and as to those matters and things, he believes them to be true.

C. P. Cooper.

Subscribed in my presence and sworn to before me by the Affiant, above named, this 28th day of October, 1935.
(Seal.) Charles M. Deal.

Notary Public, Kings Co., No. 363, Reg. No. 7148. Cert. Filed in N. Y. Co., No. 393, Reg. No. 7-D-225. Commission expires March 30, 1937.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, November 5, 1935

NEW—Julius Brunton & Sons Co., Fresno, Calif.—C. P., **980 kc.,** 250 watts, daytime.

NEW—Harold H. Hanseth, Fresno, Calif.—C. P., **1410 kc.,** 1 KW, unlimited time.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license, **1410 kc.,** 250 watts, specified hours (6 a. m.-9 p. m.).

NEW—Miles J. Hansen, Fresno, Calif.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—W. H. Kindig, Hollywood, Calif.—C. P., **1300 kc.,** 1 KW, shares with KFAC (requests facilities of KFAC).

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Renewal of license, **1300 kc.,** 1 KW, unlimited time.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—California Sales Contract Co., San Francisco, Calif.—C. P., **1280 kc.,** 500 watts, 1 KW LS, unlimited time.

NEW—Wm. B. Smullin, Sacramento, Calif.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—Royal Miller, Sacramento, Calif.—C. P., **1210 kc.,** 100 watts, daytime.

Thursday, November 7, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-53:

NEW—L. M. Kennett, Indianapolis, Ind.—C. P., **600 kc.,** 1 KW, daytime.

Examiner's Report No. I-61:

NEW—J. L. Scroggin, St. Joseph, Mo.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—News Broadcasting Co., St. Joseph, Mo.—C. P., **1310 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-44:

KMAC—W. W. McAllister, San Antonio, Tex.—Special experimental authority, **940 kc.,** 1 KW, unlimited time. Present assignment: **1370 kc.,** 100 watts, shares with KONO.

KFYO—T. E. Kirksey, tr/as Kirksey Brothers, Lubbock, Tex.—C. P., **940 kc.,** 500 watts, unlimited time. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

KGKL—KGKL. Inc., San Angelo, Tex.—C. P., **940 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-77:

NEW—H. K. Glass. M. C. Kirkland, Eustis, Fla.—C. P., **1310 kc.,** 100 watts, 6 a. m. to local sunset.

NEW—Lake Region Broadcasting Co, Lakeland, Fla.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—G. D. Coff, Tampa, Fla.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Robert Louis Sanders, Palm Beach, Fla.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—Hazlewood, Inc., West Palm Beach, Fla.—C. P., **1200 kc.,** 100 watts, unlimited time.

Friday, November 8, 1935

KFH—The Radio Station KFH Co., Wichita, Kans.—C. P., **1300 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **1300 kc.,** 1 KW, unlimited time.

APPLICATIONS GRANTED

WHEC—WHEC, Inc., Rochester, N. Y.—Granted C. P. to move transmitter locally and install new equipment.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted authority to determine licensed power by direct measurement of antenna input.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted modification of C. P. to move transmitter locally, extend commencement date to 30 days after grant and completion date to 6 months thereafter.

WSPD—The Toledo Broadcasting Co., Toledo, Ohio.—Granted authority to determine licensed power by direct measurement of antenna input.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted license to use old main transmitter for auxiliary purposes.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted renewal of license for the regular period.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted license to cover C. P. covering new station; **1310 kc.,** 100 watts, daytime.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted modification of license to change hours of operation from daytime to unlimited.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted extension of present license for period of 60 days.

NEW—Don Lee Broadcasting System, Portable-Mobile (San Francisco).—Granted C. P., frequencies **31100, 34600, 37600, 40600 kc.,** 100 watts.

NEW—WCBD, Inc., Portable-Mobile (Waukegan, Ill.).—Granted C. P., (exp. gen. exp.) service, frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts.

NEW—Scranton Broadcasters, Inc., Portable (Scranton, Pa.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 100 watts.

NEW—RCA Manufacturing Co., Inc., Camden, N. J.—Granted license to cover C. P. for visual broadcasting service, frequencies **42000-56000, 60000-86000 kc.,** 30 KW.

KIEO—Airfan Radio Corp., Ltd., Portable (San Diego, Calif.).—Granted modification of license (temporary broadcast pickup) to add frequencies **1606, 2020, 2102, 2760 kc.** and delete **3150 kc.** Also granted renewal of license in accordance with modification.

KIFT—Julius Brunton & Sons Co., Mobile (San Francisco).—Granted modification of license (temporary broadcast pickup) to add frequencies **1622, 2060, 2790 kc.** Also granted renewal of license for the period ending November 1, 1936.

WIEF—Miami Broadcasting Co., Miami, Fla. (Portable-Mobile).—Granted renewal of broadcast pickup station license in accordance with modification granted October 22, 1935.

SET FOR HEARING

WOOD—Kunsky Trendle Broadcasting Corp., Grand Rapids. Mich.—Application for C. P. to move transmitter location to site to be determined, make changes in equipment, and increase operating power from 500 watts to 1 KW; install new antenna.

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—Application for C. P. for new station; **1090 kc.,** 250 watts, daytime.

WKRC—WKRC, Inc.. Cincinnati, Ohio.—Application for modification of C. P. to extend commencement date from 4-29-35 to 7-29-35 and extend completion date from 7-29-35 to 10-29-35. Also modification of C. P. to make changes in equipment, increase day power to 5 KW, extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WSMB—WSMB, Inc., New Orleans, La.—Application for renewal of license, **1320 kc.**, 500 watts, unlimited time, 500 watts additional.

NEW—C. W. Snider, Wichita Falls, Tex.—C. P., already in hearing docket, amended to read: **1500 kc.**, 100 watts, daytime, transmitter site to be determined subject to approval of Commission.

KFRC—Voice of Longview, Longview, Tex.—Special experimental authority to operate on **1210 kc.**, 100 watts, unlimited time, facilities of KWEA.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich. —Application for C. P. to move transmitter to site to be determined subject to approval of Commission; make changes in equipment and increase power from 500 watts to 1 KW.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy., St. Cloud, Minn.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau Claire, Wis.—Application for C. P. for new station, **1310 kc.**, 100 watts, unlimited time, site to be determined.

WCOP—Joseph M. Kirby, Boston, Mass.—Application for modification of license to change frequency from **1120 kc.** to **1130 kc.**; increase hours of operation from daytime to limited until LS at KSL, Salt Lake City.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Application for renewal of license, **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Application for renewal of license, frequency **1240 kc.**, 500 watts night, 1 KW day, unlimited time. S.A. power 1 KW night. (Place of hearing to be determined.)

KXL—KXL Broadcasters, Portland, Ore.—Application for renewal of license, **1420 kc.**, 100 watts, with an additional 150 watts from local sunrise to LS only. Shares time with KBPS-KXL 6/7 time and KBPS 1/7 time. (Place of hearing to be determined.)

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDYL, Salt Lake City; KFBB, Great Falls, Mont; KFIO, Spokane, Wash.; KOIN, Portland, Ore.; KGW, Portland, Ore.; KYA, San Francisco.

The following stations were granted renewal of licenses on a temporary basis only to conform to the Commission's action of October 1, 1935, with reference to these stations' applications for renewals, for the term November 1 to 15, 1935:

WBBR, Brooklyn, N. Y.; WFAB, New York City; WHAZ, Troy, N. Y.; WARD, Brooklyn; WVFW, Brooklyn; WBBC and auxiliary, Brooklyn; WLTH, Brooklyn.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license granted on a temporary basis only for the period Nov. 1 to Nov. 12, 1935, to conform to the Commission's action of Oct. 1, 1935, with reference to this station.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on pending application for renewal.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the application of this station for renewal of license and upon the petition of WSPD in opposition to the granting of renewal of license to this station.

KCRC—Enid Radiophone Co., Enid, Okla.—Present license extended to Dec. 1, 1935, pending action on application for renewal.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted renewal of license for the regular period.

WBNX—The Standard Cahill Co., Inc., New York City—Granted renewal of license for the regular period.

WORK—York Broadcasting Co., York, Pa.—Granted renewal of license for the regular period.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted renewal of license for the regular period.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted renewal of license for the regular period.

KILU—Ark. Radio & Equipt. Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIIV—Charles L. Jaren, Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIGA—National Battery Broadcasting Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

WKFB—The Evening News Association, aboard Aircraft NC-799-W—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Present license of broadcast pickup station in temporary service was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIEF-KIEG—Seattle Broadcasting Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIFF—Missouri Broadcasting Corp., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIIS—Harris Co. Broadcast Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

W10XFH—National Broadcasting Co., Inc., Portable-Mobile (On Stratosphere Balloon)—Present license extended for a period of one month to Dec. 1, 1935, upon a temporary basis only, subject to such action as may be taken upon pending application for renewal.

ACTION ON EXAMINER'S REPORT

WSYR-WSYU—Ex. Rep. No. 1-112: Central New York Broadcasting Corp., Syracuse, N. Y.—Granted C. P. to install new equipment, move transmitter from Syracuse to Nedrow, New York, increase power from 250 watts to 1 KW, unlimited time; directional antenna. Order effective Dec. 17, 1935. Examiner R. L. Walker reversed.

MISCELLANEOUS

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Denied special authority to operate from 5 to 6 p. m., CST, during month of November, in order to broadcast special program.

KROC—Radio Sales Corp., Seattle, Wash.—Denied special authority to operate from local sunset to 5:30 p. m., PST, on Nov. 1, 7, 8, 14, 15, 21 and 22, 1935, in order to broadcast local high school football games.

WHFC—WHFC, Inc., Cicero, Ill.—Redesignated for hearing application for C. P. to authorize installation of new equipment and a vertical radiator and to increase day power to 250 watts.

WEHS—WEHS, Inc., Cicero, Ill.—Designated for hearing in connection with WHFC case, application to increase day power to 250 watts and to change antenna.

WKBI—WKBI, Inc., Cicero, Ill.—Designated for hearing in connection with WHFC case, application to increase day power to 250 watts and to change antenna.

The Commission denied the associated petition of the three foregoing licensees to grant, without hearing, applications to increase day power of each to 250 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Suspended grant and set for hearing application for removal of transmitter and studio from Wichita Falls to Fort Worth, Texas, because of protests of station KTAT, Fort Worth, and the Chambers of Commerce of Wichita Falls, Iowa Park, Burkburnett, Electra, Graham, Quanah, Vernon, Seymour, all of Texas, and the Chamber of Commerce of Frederick and Temple, Okla.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Denied request to move from hearing docket application to increase day power from 1 KW to 5 KW and to move transmitter to new site to be approved by the Commission.

NEW—Monocacy Broadcasting Co., Rockville, Md.—Denied petition asking Commission to reconsider and make final the original grant for a new station made July 2, 1935. The Commission suspended this grant and designated application for hearing on Sept. 24, 1935.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted authority to install new equipment, increase day power to 250 watts and move transmitter locally, subject to Commission's approval of site, antenna and ground system.

APPLICATIONS RECEIVED

First Zone

WICC—Southern Connecticut Broadcasting Corp., Bridgeport,
600 Conn.—Authority to install automatic frequency control.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modifi-
940 cation of license to increase power from 500 watts to 1 KW.

WCOP—Joseph M. Kirby, Boston, Mass.—Voluntary assignment
1120 of license to Massachusetts Broadcasting Corp.

WCAM—City of Camden, Camden, N. J.—Authority to determine
1280 operating power by direct measurement of antenna.

WMEX—The Northern Corp., Boston, Mass.—Construction per-
1470 mit to move transmitter from Powder Horn Hill, Boston, Chelsea, Mass., to a site to be determined; install new equipment; change frequency from **1500 kc.** to **1470 kc.**; and increase power from 100 watts night, 250 watts daytime, to 5 KW day and night.

NEW—E. Anthony & Sons, Inc., Fairhaven, Mass.—Construction permit for general experimental station for **31600, 35600, 37600, 41000 kc.,** 100 watts.

NEW—Shepard Broadcasting Service, Inc., Quincy, Mass.—Construction permit for general experimental station for **31600, 35600, 38600, 41000 kc.,** 500 watts.

Second Zone

NEW—American Broadcasting Corp. of Ohio, Cleveland, Ohio.—
880 Construction permit to erect a new broadcast station at a site to be determined, Cleveland, Ohio, to be operated on **880 kc.,** 1 KW, unlimited time.

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to
940 move transmitter from Brown Hotel, Louisville, Ky., to a site to be determined, near Louisville, Ky., install new equipment, and increase power from 1 KW to 5 KW.

NEW—L. Martin Courtney, Toledo, Ohio.—Construction permit
1290 for a new station to be operated on **1290 kc.,** 100 watts, unlimited time. Amended: Change frequency from **1290 kc.** to **1420 kc.,** and make equipment changes.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Author-
1290 ity to determine operating power by direct measurement of antenna power.

NEW—Monumental Radio Co., Baltimore, Md.—Construction permit for general experimental station for **31600, 35600, 38600, 41000 kc.,** 300 watts.

Third Zone

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Construc-
1210 tion permit to make changes in equipment (antenna); move transmitter from Chamber of Commerce Bldg., Clarksdale, Miss., to corner 3rd and Delta, McWilliams Bldg., Clarksdale, Miss., and studio from Chamber of Commerce Bldg., Clarksdale, Miss., to corner 3rd and Yazoo Ave., Clarksdale, Miss.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—License to cover construction permit (B3-P-294) as modified for equipment changes, change power from 100 to 250 watts, time from daytime and specified hours Sunday to daytime only. Amended re hours of operation.

KIIS—Harris County Broadcast Co., Portable.—Modification of license to add frequencies **2060** and **2790 kc.**

W4XBM—WPTF Radio Co., Portable-Mobile.—License to cover construction permit for a new general experimental station.

Fourth Zone

NEW—KFAD Broadcasting Co., Bismarck, N. Dak.—Construc-
550 tion permit for a new station to be operated on **550 kc.,** 1 KW, 5 KW day, unlimited time. Requests facilities of KFYR.

WDAY—WDAY, Inc., Fargo, N. Dak.—Modification of license
940 to increase power from 1 KW, 5 KW day, to 5 KW day and night.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Modification of con-
1020 struction permit authorizing **1020 kc.,** 250 watts daytime, and move of transmitter, requesting changes in equipment and extension of commencement and completion dates. Amended to request further changes in equipment.

WTAQ—WHBY, Inc., Green Bay, Wis.—Modification of construc-
1330 tion permit (B4-P-369) to install new equipment, (directional antenna), move transmitter, change hours of operation to unlimited, to further request changes in equipment. Extend commencement date 30 days after grant and completion date 180 days thereafter.

NEW—Herbert Hollister, Emporia, Kans.—Construction permit
1500 for a new station to be operated on **1500 kc.,** 100 watts, unlimited time.

Fifth Zone

KOIN—KOIN, Inc., Portland, Ore.—Modification of license re-
940 questing increase in power from 1 KW night, 5 KW daytime, to 5 KW day and night.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 Modification of license requesting an increase in power from 1 KW night, 2½ KW daytime, to 5 KW day and night.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construc-
1120 tion permit to make changes in equipment, increase power from 100 watts to 250 watts, and change hours of operation from daytime to unlimited.

NEW—Peninsula Newspapers, Inc., Merced Star Publishing Co.,
1160 Palo Alto, Calif.—Construction permit for a new station on **1160 kc.,** 250 watts, day.

NEW—Ventura County Star, Inc., Merced Star Publishing Co.,
1200 Inc., Ventura, Calif.—Construction permit for a new station to be operated on **1200 kc.,** 250 watts, daytime. Amended to change frequency from **1200 kc.** to **1170 kc.**

KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Modifi-
1500 cation of construction permit (B5-P-434) authorizing a new station to be operated on **1500 kc.,** 100 watts, daytime, for approval of transmitter site at corner of Oak and Jackson Sts., Roseburg, Ore., and approval of antenna.

KIEF—Seattle Broadcasting Co., Seattle, Wash.—Modification of license to add frequencies **1646, 2090, 2190, 2830 kc.** and delete frequencies **1622** and **2150 kc.**

KIEG—Seattle Broadcasting Co., Seattle, Wash.—Modification of license to add frequencies **1646, 2090, 2830 kc.** and delete **1622** and **2150 kc.**

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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RECOMMENDS AGAINST NEW WASHINGTON STATION

The Bellingham Publishing Company applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Bellingham, Wash., to use 1420 kilocycles, 100 watts power and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-127, recommends that the application be denied. The Examiner states in his report that "the evidence shows that the applicant, through the publication of numerous articles reflecting upon the honesty and integrity of public officials and upon the morals and private lives of the citizens of Bellingham and Whatcom County, has been the source of discord and dissension and has been inimical to the general welfare of the community, and that applicant has failed to establish the need for additional broadcast facilities in the area proposed to be served." He found also that granting of the application would not be in the public interest.

INCREASED POWER RECOMMENDED FOR KGBU

Broadcasting Station KGBU, Ketchikan, Alaska, applied to the Federal Communications Commission to increase its power from 500 watts to 1,000 watts nighttime and 5,000 watts daytime. The station now operates unlimited time on a frequency of 900 kilocycles.

Examiner Melvin H. Dalberg recommends that the application be granted "provided the applicant complies with the recommendations of the Engineering Department of this Commission with respect to antenna construction." The Examiner states that granting the application will allow the station to expand its service area and to supply a stronger signal and better service. No interference would be caused by the power increase, he states.

TEXAS STATION RECOMMENDED

F. N. Pierce applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Taylor, Texas, while Eugene DeBorgory, trading as the Tem-Bel Broadcasting Company, applied to the Commission for a permit to erect a station at Temple, Texas. Both applications were for 1310 kilocycles, 100 watts power and daytime hours of operation.

Examiner Ralph L. Walker, in Report No. I-129, recommends that the Pierce application be denied and that the DeBorgory application be granted. The Examiner states that the applicant Pierce "has failed to establish that he is legally, technically and financially qualified to construct and operate a station, nor is any proposed plan of operation shown." He found that DeBorgory is qualified to erect and operate such a station as proposed and further that local daytime service in this area appears to be needed. The erection will cause no interference with existing stations, he found also.

TENNESSEE STATION RECOMMENDED

Dudley J. Connolly & Company has applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Chattanooga, Tenn., to use 1200 kilocycles, 100 watts power and daytime hours of operation.

Examiner P. W. Seward, in Report No. I-130, recommends that the application be granted. The Examiner found that the applicant is qualified to erect and operate such a station, that there is a need for additional local service during daytime hours in that area, and that the erection of such a station would not cause interference with existing stations.

COAXIAL CABLE CASE REOPENED

At a General Session of the Federal Communications Commission it was decided to reopen the application of the American Telephone and Telegraph Company for permission to construct an experimental coaxial cable from New York to Philadelphia for broad band transmission.

This action followed a petition of the American Telephone and Telegraph Company asking permission for "reargument" of the recent order of the Commission granting permission for the construction of the cable under certain conditions.

The Commission not only granted the request of the applicant but decided to permit a re-hearing of the case before the entire Commission at the earliest practical date open on the Commission's docket, which is November 25, beginning at 10 A. M., at the Commission's offices, Washington, D. C.

RECOMMENDS DISMISSAL OF UTAH APPLICATION

The Mountain States Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Salt Lake City, Utah, to use 550 kilocycles, 500 watts power and unlimited time.

Examiner P. W. Seward, in Report No. I-131, has recommended that the application be dismissed without prejudice. When the application came on for hearing, counsel for the applicant presented a motion to dismiss the application without prejudice.

J. J. MOORE, PRESIDENT OF NATIONAL FEATURE SERVICE

A member will appreciate information, care of the NAB, showing the present address of Mr. J. J. Moore, President of National Feature Service.

BROADCASTING IN BUSINESS CENSUS

Commercial broadcasting will be included in a census of American business which will be undertaken early next January simultaneously with the biennial census of manufactures, according to the Department of Commerce. It will cover the calendar year 1935.

The Department states that the census will provide a national picture of the number of stations, volume of business, persons employed, wages paid, and other facts.

In making a plea for help in this census, Secretary of Commerce, Roper, is sending out the following statement:

"We have consulted a large number of business men and representatives of business organizations in the drafting and revision of our schedules, and every effort has been made to simplify the inquiries. We have endeavored to avoid any questions that will annoy or antagonize the business man and have limited the amount of detail, in order that you may have no additional expense in making up your report.

"We ask for the cooperation and assistance of the business men of the United States in this undertaking and assure each of you that your individual report will be held *absolutely confidential*. Only sworn employees of the Bureau of the Census will be permitted to examine your report and no information will be given to any person, whether in Government service or private life, which would disclose, exactly or approximately, any of the facts or figures in your report. The information will be used for *statistical purposes only*.

RECOMMENDATIONS ON NEW UTAH STATIONS

Applications were made to the Federal Communications Commission in connection with proposed new stations in Utah as follows:

1. The application of Utah Radio Educational Society for a construction permit, requesting authority to construct a new radio broadcast station at Salt Lake City, Utah, to operate on the 1450-kilocycle frequency, with power of 1 kilowatt, unlimited time.
2. The application of Louis H. Callister for a construction permit, requesting authority to construct a new radio broadcast station at Provo, Utah, to operate on the 1200-kilocycle frequency, with power of 100 watts, unlimited time.
3. The application of Paul Q. Callister for a construction permit, requesting authority to construct a new radio broadcast station at Salt Lake City, Utah, to operate on the 1370-kilocycle frequency, with power of 100 watts, unlimited time.
4. The application of Great Western Broadcasting Association, Inc., for a construction permit, requesting authority to construct a new radio broadcast station at Logan, Utah, to operate on the 1500-kilocycle frequency, with power of 100 watts, unlimited time.
5. The application of Great Western Broadcasting Association, Inc., for a construction permit, requesting authority to construct a new radio broadcast station at Provo, Utah, to operate on the 1210-kilocycle frequency, with power of 100 watts, unlimited time.
6. The application of Munn Q. Cannon for a construction permit, requesting authority to construct a new radio broadcast station at Logan, Utah, to operate on the 1210-kilocycle frequency, with power of 100 watts, unlimited time.
7. The application of Jack Powers, Frank C. Carman, David G. Smith, and Grant Wrathall, doing business as Utah Broadcasting Company, for a construction permit, requesting authority to construct a new radio broadcast station at Salt Lake City, Utah, to operate on the 1500-kilocycle frequency, with power of 100 watts, unlimited time.
8. The application of Cache Valley Broadcasting Service Company, J. A. and J. M. Reeder and L. R. Jensen, for a construction permit, requesting authority to construct a new radio broadcast station at Logan, Utah, to operate on the 1370-kilocycle frequency, with power of 100 watts, unlimited time.

Examiner George H. Hill made the following recommendations on the applications:

1. That the application of Utah Radio Educational Society for a construction permit be denied.
2. That the application of Louis H. Callister for a construction permit be dismissed with prejudice.
3. That the application of Paul Q. Callister for a construction permit be denied.
4. That the application of Great Western Broadcasting Association, Inc., requesting authority to construct and operate a new station at Logan, Utah, be denied.
5. That the application of Great Western Broadcasting Association, Inc., for a construction permit, requesting authority to construct and operate a new station at Provo, Utah, be granted.
6. That the application of Munn Q. Cannon for a construction permit be dismissed with prejudice.
7. That the application of Jack Powers, Frank C. Carman, David G. Smith, and Grant Wrathall, doing business as Utah Broadcasting Company, for a construction permit be granted.
8. That the application of Cache Valley Broadcasting Service Company, J. A. Reeder, J. M. Reeder, and L. R. Jensen, for a construction permit be denied.

A. T. & T. MODIFIES TARIFF

The Telephone Division of the Federal Communications Commission on Wednesday (6) granted special permission (No. 180) to the American Telephone & Telegraph Company, to revise, effective November 3, 1935, original page No. 178 of the Tariff F. C. C. No. 4, to change its regulations so that instead of only one radio station, more than one such station in the same exchange, served by means of Schedule C radio broadcast program transmission channel facilities, may be connected as an extension to Schedule B radio broadcast program transmission channel facilities, on less than statutory notice.

FCC RULE 139 AMENDED

The Federal Communications Commission, Broadcast Division, at a regular meeting held on October 29, amended Rule 139 to read as follows:

"Rule 139 (a) A licensee of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 per cent. When the transmitter is operated with 85 per cent modulation, not over 10 per cent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall, on and after November 1, 1936, have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 per cent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors."

Rule 139, as amended, section (b), requires all broadcast stations to have in operation on and after November 1, 1936, a modulation monitor approved by the Commission. The modulation monitors will be approved by type after tests at the Bureau of Standards in the same manner that frequency monitors, as required by Rule 145, are approved. Any manufacturer desiring to submit a monitor for approval should supply the Commission with full details and if the specifications appear to meet the requirements, the Commission will request the Bureau of Standards to issue shipping instructions. Below are given the specifications that the modulation monitor must meet to be tested at the Bureau of Standards before it will be approved by the Commission. Approval will be given based on the test data taken at the Bureau, but the Bureau of Standards does not approve and disapprove the monitor as this is entirely in the hands of the Commission.

The specifications pursuant to Rule 139, section (d), are as follows:

1. A DC meter for setting the average rectified carrier at a specific value and to indicate changes in carrier intensity during modulation.
2. A peak indicating light or similar device that can be set at any predetermined value from 50 to 120 per cent modulation to indicate on positive peaks, and/or from 50 to 100 per cent negative modulation.
3. A semi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 per cent of full value and the discharge rate adjusted so that the pointer returns from full reading to 10 per cent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative modulation and, if desired, in the center position it may read both in a full-wave circuit.

   The characteristics of the indicating meter are as follows: Speed—The time for one complete oscillation of the pointer shall be 290 to 350 milliseconds. The damping factor shall be between 16 and 200. The useful scale length shall be at least 2.3 inches. The meter shall be calibrated for modulation from 0 to 110 per cent and in decibels below 100 per cent with 100 per cent being 0 DB.

   The accuracy of the reading on percentage of modulation shall be ± 2 per cent for 100 per cent modulation, and ± 4 per cent of full scale reading at any other percentage of modulation.
4. The frequency characteristics curve shall not depart from a straight line more than ± ½ DB from 30 to 10,000 cycles. The amplitude distortion or generation of audio harmonics shall be kept to a minimum.
5. The modulation meter shall be equipped with appropriate terminals so that an external peak counter can be readily connected.

6. Modulation will be tested at 115 volts ± 5 per cent and 60 cycles, and the above accuracies shall be applicable under these conditions.
7. All specifications not already covered above, and the general design, construction, and operation of these units must be in accordance with good engineering practice.

MPPA LETTER RELATING TO THE RECORDING OF RADIO PROGRAMS

There is printed below for the information of members a letter received from Mr. John G. Paine, Agent and Trustee of Music Publishers' Protective Association with reference to the manufacture of records by broadcasting stations. (See NAB REPORTS, October 10, 1935, page 985.)

"In reference to our recent conference, we have had quite a few discussions following it and have reached the conclusion that for the present we are not going to press our rights in connection with the manufacture of records.

"We feel, however, that the point brought up by this discussion is one that should not be lost sight of because it is going to be difficult for us to know how far a radio station may find it necessary to invade our copyright in order to carry on its own business.

"We who deal in copyrights are so accustomed to dividing up the rights that what may seem a simple situation to us may appear to be a very complicated situation to a user. But we divide these rights, not because of any arbitrary desire to do so, but because the users as a rule want to get the rights for as low a price as possible, and therefore we are trying to meet their desires in this particular and give them just what they think they need.

"Thus if a talking machine company comes to us and asks us for the right to make a record we work out a license for them to do that which they want to do. If they should then reprint the words of the song contained on the record, on their record label, we would feel that they were going beyond the license that we had granted them and would feel perfectly justified in saying, 'We did not give you a right to reprint; you did not ask us for that. If you want a right to reprint we are perfectly willing to work out the license to do so but certainly we cannot give you two rights under the copyright and charge you only for one.' This seems such a fair and equitable and businesslike principle that I cannot see how it can possibly be objected to.

"It is not a sufficient answer to say that we ought to work out a license fee in the beginning which would permit all of these collateral uses to be made so that no question would arise subsequently, because it may be entirely possible that talking machine company number one desires to use both the right to reproduce and the right to reprint, whereas talking machine company number two desires to use only the right to mechanically reproduce and does not desire the right to reprint, and it would not be fair to talking machine company number two to ask them to pay a fee which would give them the right to reprint when they don't want the right to reprint. They should only be required to pay for that right which they themselves want to use.

"Applying this to the problem at hand it seems to me that where a radio station has a license to publicly perform, that if by any chance it should be considered that the fee that they pay for this license includes also the right to manufacture records, and if they should eventually reach the conclusion that they ought to reprint their programs as a matter of record, and go on the assumption that the fee that they pay, permits them also to reprint the words of copyrighted songs, that we will find ourselves in a very serious situation because those stations that do not care to make records or to reprint their programs will feel that the fee they pay is out of proportion because all they want is the right to publicly perform and we are charging a fee which will permit them to do more than publicly perform in the event that they want to, but they don't want to.

"However, I am persuaded that we ought not to raise this question now because to do so might cause not only embarrassment but very serious confusion, and it is not our desire to do either. I am content, therefore, with your promise of cooperation in this matter, and I am sure that the stations will feel very inclined to view this matter in a sensible way after it has been presented to them, and that they will not wish to take advantage of this situation in which we find ourselves."

ROME CONFERENCE TO CONSIDER PROTECTION OF PHONOGRAPH RECORDS

The Department of State has been informed that an International Conference will be convened at Rome, December 9, 1935, for the purpose of considering the protection of phonograph records. A translation of a preliminary draft convention which it is proposed to discuss at the conference follows:

Preliminary Draft of a Convention for Constituting an International Union for the Protection of Disks and Other Sound-Records

I

The countries to which the Convention applies are constituted a Union for the protection of disks and all other sound -records.

II

The term "sound-record" (*phonogramme*) is applied to any multiple production of articles intended to reproduce words, musical sounds, songs, noises and, in general, all sounds.

III

The registration of words, musical sounds, songs, noises, and in general, all sounds for instruments used for reproducing them mechanically (phonograms) shall give rise, in favor of the producer of the sound-record to:

1. The right to forbid the reproduction of the sound-record without his authorization, either directly or indirectly, by any methods whatever of duplication;
2. The right to require an equitable remuneration in the case of any utilization of a sound record by radiophony, cinematography and television and that such utilization be effected according to the rules of good technique;
3. The right to oppose such utilization when it appears that it takes place under such conditions as to cause grave prejudice to his artistic or technical interests.

The enjoyment and exercise of these rights shall not be subject to any formality.

The countries to which the Convention applies retain the power to protect sound records by broader provisions than those contemplated by the Convention. In particular, there is reserved to them power to extend protection in favor of phonographic producers to all or to a part of the cases where the sound-record placed on sale for the use of private individuals is used in places open to the public.

In so far as the contracting countries use the powers mentioned above, the producers of the sound-record under the jurisdiction of one of the contracting countries may demand the application of a broader provision which may be laid down by the legislation of a contracting country.

IV

The modalities, and in particular civil or penal sanctions appropriate for assuring the security of these rights, shall be determined by the national legislations of the countries of the Union. In particular, it is for such legislations to specify whether the agreements for fixing the equitable remuneration due, by virtue of Paragraph 1, No. 2, of the foregoing Article, to the phonographic producer should flow from special understandings arrived at in each case between the interested parties or from inter-professional conventions binding on all, as well as to decide which is the competent authority for fixing in the case of absence of such friendly understandings or conventions, the rate of an equitable remuneration.

V

The protection contemplated in Article 3 above shall be for at least[1] (50) years, dating from the first of January of the year when the sound-record was put on sale with reservation of the power of all countries of the Union to grant a longer period of protection. Nevertheless, the nationals of countries who allow only a duration of protection amounting to (50) years cannot claim, in the countries of the Union the legislation of which provides for a longer period, the benefit of such protection.

VI

Sound-record producers who are nationals of one of the countries of the Union shall enjoy in countries other than the countries of origin of the phonographic production the protection which the respective laws now extend or may extend subsequently to their nationals as well as any other protection granted by the Convention.

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[1] The French 'au mois" is translated "at least" as it is thought to be a misprint for "au moins".—TR.

The country in which the original sound record is developed shall be considered as the country of the producer.

VII

The provisions of the Convention cannot in any way prejudice the right which belongs to the Government of each country of the Union to allow the supervision or the prohibition by measures of domestic legislation of the placing on sale, the distribution and the use in places open to the public of any phonographic production with respect to which the competent authority may have to exercise such right.

VIII

(To be drafted.) Organization and attributions of an International Bureau for the Protection of the Rights of Producers of Disks and Other Sound Records.

RADIO SELLS TAXES

How the Supervisor of Taxation for Guilford County, North Carolina, regards radio is explained in the following letter:

"The County of Guilford through its Tax Department went on the Air during the month of April in a unique feature, something that this county regards as a precedent, with a view of selling taxes on the air.

"Our purpose in this program was to inform the tax paying public what was required in the listing of real and personal property and acquainting them with what is required and their duties in making their returns for taxation.

"As to the results of this program, during the month of April, which the County Supervisor of Taxation explained in his weekly talks on taxation, will probably never be known from a material standpoint, but we do realize that it was one of the finest mediums of advertising that this County has ever undertaken. We feel that the radio played an important factor in the number of those listing their taxes. It is known that we have more people listed this year than any previous year and we contribute the increased numbers largely to our radio broadcasts, and this is evidenced by the large numbers of people complimenting the service as well as inquiries concerning their taxation problems and stating that they heard the broadcast.

"We wish to compliment the North Carolina Broadcasting Company in their efforts to cooperate with Guilford County's Tax Department in putting over this program of which we are more than satisfied with the results obtained therefrom."

COURT DECISION IN KVL TAX CASE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

KVL, Inc. a Corporation, Complainant,

vs.

The Tax Commission of the State of Washington, Thomas S. Hedges, T. M. Jenner, and H. H. Henneford, Members of Said Commission; William B. Severyns, Sheriff of King County, Washington; Clarence D. Martin, Governor of Washington; G. W. Hamilton, Attorney-General for the State of Washington, Defendants,

Seattle Broadcasting Company, a corporation, Intervening Complainant

In Equity. No. 550

Memorandum Decision Upon Application for Interlocutory Injunction and Motions to Dismiss Bills of Complaint.

Filed Oct. 30, 1935.

Clarence C. Dill and Kenneth C. Davis, 1514 Northern Life Tower, Seattle, Solicitors for Complainant.

Byers, Westberg & James, 310 Marion Bldg., Seattle; Solicitors for Intervening Complainant.

G. W. Hamilton, Atty. General, State of Wash., Olympia; R. G. Sharpe, Asst. Atty. General, State of Wash., Olympia; Attorneys for defendants except William B. Severyns, Sheriff of King County, Washington.

Before Garrecht, Circuit Judge, and Cushman and Bowen, District Judges.

This suit is one under Sec. 266 of the Judicial Code (Title 28, U.S.C.A., 380).

Both the Amended Bill of Complaint and the Bill of Complaint in Intervention ask that the act of the State Legislature, providing for a Radio Broadcasting Tax, (Chapter 180, Title X, Sec. 74, Washington Session Laws of 1935, pages 748 and 749), be declared to violate Article I, Sec. 8, Clause 3 of the Constitution as being a burden upon and interference with interstate and foreign commerce.

An interlocutory injunction is asked restraining defendants from the enforcement of the state statute.

The defendants, other than the Sheriff of King County, have moved for the dismissal of both bills of complaint upon grounds presently to be stated.

Complainant and Intervening Complainant are both Washington corporations.

Complainant alleges that it owns and operates, under a license from the United States Government, Radio Station KVL, located in Seattle, Washington; that the Federal Communications Commission has licensed and assigned to the complainant a frequency of 1,370 kilocycles and a maximum rated carrier power output of 100 watts.

Intervening Complainant alleges that it owns and operates, under a license from the United States Government, Radio Station KOL, located in Seattle, Washington, and the Federal Communications Commission has licensed and assigned to the complainant a frequency of 1270 kilocycles and a maximum rated carrier power output of 2500 watts.

The complaints allege that the United States Government has, by the Federal Communications Act of 1934 (48 Stat. 1064) preempted the field of radio broadcasting.

The two complaints are substantially identical in the following allegations, with exceptions indicated where material:

VI

> That the essential elements of radio communication consists of the transmitter, the connecting medium or the ether, and the receiving mechanism; that the electrical magnetic waves are projected by complainant's transmitter at the speed of 'light' and irrespective of the amount of power used the range and distance of the electrical impulses sent out is theoretically and in fact unlimited; that it is not only impractical but impossible to confine these electrical impulses, in the present state of science, within State or National boundaries; that these electrical magnetic waves pass thru space and travel for great distances into other states and foreign countries to unknown but numerous receiving instruments; that the receiving mechanism, or receiving set, detects the oncoming radio waves which are projected from complainant's transmitter and they are thus amplified into audible sounds; that the science of radio broadcasting has determined that radio signals may even become inaudible within just a few miles of complainant's transmitter, yet they may, and in fact do, travel indefinitely far beyond the audible range and thus they pass over State and National boundaries and cause interference with radio commerce in other states; that the operation of any type of radio transmitter will, and does, create interference in the neighborhood of the transmitter with signals coming in from other stations located in other states; that the electrical impulses projected and continuously sent out from complainant's transmitter are interstate in character and power; that the equipment of the complainant's Broadcasting Station, the transmitter, its studio, the operating and program staff, its sales organization, all exist for the purpose of sending out and modulating this continuous stream of electrical impulses in interstate commerce; that these electrical impulses cannot be restricted or confined in the slightest degree to any one state or territory, nor can they be segregated from *interstate commerce* into that of *intrastate commerce,* no matter what the intent of the person operating a radio transmitter might be.

VII

* * *; that for purposes of regulation, the Communications Commission divided the United States, pursuant to the authority granted them, into five zones, the fifth zone embracing the following states * * * Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, * * *

VIII

That the Communications Commission has assigned certain quotas to each of said five zones, which quotas limit and designate the radio frequency bands, types or stations, and their power for each of said zones; that the complainant has been assigned, as aforesaid, a frequency band of "(Here the language of the Amended Bill of Complaint is "1370 kilocycles", and that of the Bill of Complaint in Intervention, "1270 kilocycles") "and due to the natural scarcity and limited number of these bands in existence, and in order that complainant's facilities may not cause interference among the radio stations in the several zones, that the complainant must" (Here the language of the Amended Bill of Complaint is "Share time equally with radio Station KRKO of Everett, Washington", and that of the Bill of Complaint in Intervention, "decrease its power output from 2500 watts to 1000 watts each day at sundown so as not to interfere specifically with Station KVOR at Colorado Springs, Colorado") "that the radio frequency bands assigned to the radio stations in the aforesaid zones represent bands of wave lengths to be used only by certain designated stations therein; that only a limited number of radio stations can broadcast simultaneously in a certain zone and such assignments of frequency waves as has been thus far made by the Federal Communications Commission in the fifth zone are designed to eliminate interference between stations on the several frequency bands in the several zones which include states and territories other than the State of Washington.

IX

That the complainant's broadcasting has covered a service area into certain parts of "(Here the language of the Amended Bill of Complaint is "the Dominion of Canada, Montana and Oregon", and that of the Bill of Complaint in Intervention, "Alaska, the Dominion of Canada, Washington, California, Idaho, Wyoming, Montana, Oregon")", and on the high seas adjacent to the State of Washington; that complainant's broadcasting business has furnished an effective and valuable medium of communication to many forms of industry, and complainant's business of radio broadcasting has become an important factor in the lives of the people of the State of Washington and to people in adjacent states and territories in matters involving economics, political government, informative news and educational features; that the facilities of complainant's Radio Station" (Here the Amended Bill of Complaint reads "KVL", and the Bill of complaint in Intervention, "KOL") "are subject at all times to the use of the Government of the United States, as occasion requires, for communications from the President of the United States to the people; that the facilities of the complainant are subject to the prior right of the Federal Government in times of National Emergency, and for purposes of National Defense; that the facilities of this station are held available for the distress signals of ships on the high seas, and the broadcasting from complainant's station is regulated by the Communications Commission in such a manner, so as not to interfere with radio communications from ship to shore and shore to ship in times of distress." (Here the Bill of Complaint in Intervention adds: "That complainant's station is also operated as an integral part of a chain of broadcasting stations through which the same broadcasting material is simultaneously broadcast in many different states over a territory extended from Coast to Coast.")

X

That the value of the broadcasting station operated by complainant is approximately" (Here the language of the Amended Bill of Complaint is "Fifty Thousand ($50,000.00) Dollars," and the Bill of Complaint in Intervention, "$250,000.00") "that the complainant is permitted by the Communications Commission to sell time to patrons at so much per radio minute or hour consumed in order that a station may pay for the programs which it renders to the public free of charge; that a large portion of time is not sold but complainant is nevertheless required by the Federal Communications Commission to occupy the time allotted to it in actual broadcasting of programs even though the time is unsold and said operation results in a net loss to complainant.

XI

That the revenue of complainant comes from National, State and Local advertising; that while the advertisers and patrons commonly refer to their purchase as "Radio Time" yet the commodity actually purchased and allotted to this advertiser is the right to modulate for a certain length of time the electrical impulses which are being continuously sent out from complainant's transmitter on a certain fixed radio frequency; that these continuous electrical impulses transcend state lines and there is no known science by which these radio electrical impulses can be segregated and confined to, or within, any one state or territory; and no matter what the intent of the broadcaster may be, he cannot in the slightest degree restrict or curb this continuous flow of electrical impulses in interstate commerce because every electrical impulse transcends state lines, regardless of the specific use to which it may be put; * * *

XII

That the complainant is engaged exclusively and solely in foreign and interstate commerce, and the complainant cannot discontinue its intrastate business without being compelled to withdraw from its interstate and foreign business and commerce; that it is impossible for complainant to separate and segregate its *intrastate* from its *interstate* business; * * *
* * *; that the Defendants herein as well as the Collectors of said tax have not, either jointly or severally, sufficient means to satisfy or respond to any judgment for the recovery of said tax if Complainant was forced to pay the same; nor would said Defendants and collectors of said tax be able to respond to any judgment against them for the large and substantial damages which would accrue to Complainant, if said Defendants or their agents are not restrained and enjoined from enforcing said tax, or attempting to collect the same; and, unless Defendants and their agents are enjoined herein, the Complainant will be subjected to a multiplicity of law suits, all of which would involve great expense and damage to Complainant's business; that said taxes accrue in bi-monthly installments and the resulting harassment of Complainant and a seizure of Complainant's equipment by said Defendants and the tax collecting officers, would injure the good-will of Complainant's business should Complainant refuse to pay said taxes, and which Complainant does refuse to pay, in that, a seizure or execution on Complainant's property would prevent Complainant from Broadcasting and Complainant would lose its "listening audience"; that the multiplicity of suits and actions which would result from Complainant's refusal to pay said taxes and the loss of its right to broadcast would subject Complainant to an ultimate loss of its business, which is valued at the sum of" (Here the Amended Bill of Complaint alleges: "Fifty Thousand ($50,000) Dollars" and the Bill of Complaint in Intervention, "$250,000.00").

* * * * * * * * *

Among the grounds for dismissal alleged by Defendants are the following:

(1) That it appears upon the face of said bills of complaint that the same do not state facts sufficient to constitute a valid cause of action in equity against these defendants, either severally or jointly with the other defendant.

(2) That all monies either now or hereafter collected by or through the defendant's or any of them under and by virtue of said chapter 180, Laws of Washington for 1935, are and will be collected solely and entirely for the State of Washington for its support, and the maintenance and support of its existing governmental institutions, and to enable it to perform its governmental functions, and that each and every act, present or prospective, performed by the defendants or either or any of them in carrying out and enforcing the provisions of said chapter 180, is and will be the act of the State of Washington, and that said suit is therefore in truth and in fact a suit against the State of Washington, and hence that said suit, under the express provisions of the 11th amendment of the Constitution

of the United States, cannot be maintained in the above entitled court.

(3) That this court, sitting as a court of equity, has no jurisdiction of the subject matter of this suit, in that it appears on the face of said bills of complaint that complainants have a plain, speedy and adequate remedy at law as to the cause or causes of action set forth in said bills.

COMPLAINANT and INTERVENING COMPLAINANT cite: 1935 Washington Session Laws, Chapter 180, Title X, Sections 74 to 77, inclusive; Article 1, Section 8, Constitution of the United States; The Communications Act of 1934, Federal Radio Act of 1927; Report of Master in Chancery, with Findings, Conclusions and Recommendations, in Cause No. 780, United States vs. Dr. Henry Clay Allison, District Court, Northern District of Texas, Fort Worth Division, dated November 18th, 1933, Act of August 13th, 1912; Radio Act of 1927, as amended in 1932; Whitehurst v. Grimes, 21 Fed. (2d) 787; United States v. American Bond & Mortgage Co. et al., 31 Fed. (2d) 448; Gibbons v. Ogden, 9 Wheat. 1, 68; Pensacola Telegraph Co., 96 U. S. 1, 9; Western Union Telegraph Co. v. Pendleton, 122 U. S. 347, 356; International Text Book Co. v. Pigg, 217 U. S. 91, 106, 107; 24 Op. 100, 101; Marconi Wireless Telegraph Company of America v. Commonwealth, 218 Mass. 558; Minnesota Rate Case, 230 U. S. 352; American Express Co. v. United States, 212 U. S. 522; State Freight Tax, 15 Wall. 232, 21 L. Ed. 146; Henderson et. al. v. Mayor of New York et. al., 92 U. S. 259, 23 L. Ed. 543; Walling v. Michigan, 116 U. S. 446, 29 L. Ed. 691; Welton v. Missouri, 91 U. S. 275, 282; County of Mobile v. Kimball, 102 U. S. 691, 697; Brown v. Houston, 114 U. S. 622, 631; Atlantic and Pacific Telegraph Co. v. Philadelphia, 190 U. S. 160, 47 L. Ed. 995; Barrett v. City of New York, 232 U. S. 14, 58 L. Ed. 483; Postal Telegraph Co. v. Adams, 155 U. S. 688, 39 L. Ed. 311; Leloup v. Port of Mobile, 127 U. S. 640, 32 L. Ed. 311; Western Union Telegraph Co. v. Kansas, 216 U. S. 1, 54 L. Ed. 355; Ozark Pipe Line Corporation v. Monier et al., 266 U. S. 555, 69 L. Ed. 439; Detroit International Bridge Co. v. Corporation Tax Appeal Board, 79 Supreme Court Advance Opinions, 337 (294 U. S. 83); Cooney v. Mountain States Telephone Company, 294 U. S. 384; Station WBT, Inc. v. Poulnot, 46 Fed. (2d) 671; Technical Radio Laboratory v. Federal Radio Commission, 36 Fed. (2d) 111; Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co. (Station WIBO), 289 U. S. 266; Trinity Methodist Church South v. Federal Radio Commission, 62 Fed. (2d) 850; Duncan v. United States, 48 Fed. (2d) 128; American Bond & Mortgage Co. v. United States, 52 Fed. (2d) 318; Van Dusen v. Dept. of Labor and Industries, 158 Wash. 414; White v. Federal Radio Commission, 29 Fed. (2d) 113; General Elec. Co. v. Federal Radio Commission, 31 Fed. (2d) 630; City of New York v. Federal Radio Commission, 36 Fed. (2d) 115; KFKB Broadcasting Association v. Federal Radio Commission, 47 Fed. (2d) 670; Journal Co. v. Federal Radio Commission, 48 Fed. (2d) 461; Nelson Bros. Bond & Mortgage Co. (Station WIBO) v. Federal Radio Commission, 62 Fed. (2d) 854; Eastern Ohio Gas Co. v. Tax Commission of Ohio, 283 U. S. 465; Sprout v. City of South Bend, 277 U. S. 163; Philadelphia & Southern Mail Steamship Co. v. Pennsylvania, 122 U. S. 326; State v. Northern Express Co., 80 Wash. 309, 141 Pac. 757; Crew Levick Company v. Pennsylvania, 245 U. S. 292; People ex rel The Connecting Terminal R. R. Co. v. Millar, 178 N. Y. 194; Nutt v. Ellerbe et al., 56 Fed. (2d) 1058; United States Express Co. v. Minnesota, 223 U. S. 335; South Carolina Power Co. v. South Carolina Tax Commission, 60 Fed. (2d) 528; People ex rel Pennsylvania Railroad Co. v. Wample, 138 N. Y. 1; Anglo-Chielean Nitrate Sales Corporation v. State of Alabama, 288 U. S. 218; Di Santo v. Pennsylvania, 273 U. S. 34; Educational Films Corporation of America v. Ward et al., 282 U. S. 379; Fox Film Corporation v. Doyal et al., 286 U. S. 123; Galveston, Houston & San Antonio Railway Co. v. Texas, 210 U. S. 217; Helson & Randolph v. Kentucky, 279 U. S. 245; New Jersey Bell Telephone Co. v. Board of Taxes & Assessments of the State of New Jersey, 280 U. S. 338; Norfolk & Western Railroad Co. v. Pennsylvania, 136 U. S. 114; Northwestern Mutual Life Ins. Co. v. Wisconsin, 275 U. S. 136; A. G. Spalding & Bros. v. Edwards, 262 U. S. 66; Texas & New Orleans Railroad Co. v. Sabine Tram Co., 227 U. S. 111; United States Glue Co. v. Town of Oak Creek, 247 U. S. 321; Title 28, U. S. C. A., Sec. 41 (1); Title 28, U. S. C. A., Sec. 380; American Airways v. Wallace, 57 Fed. (2d) 877; Title 28, U. S. C. A., Sec. 41, Paragraph 8; Rubin Electrical Company v. Poulnot, 46 Fed. (2d) 676; Ray v. Poulnot, 46 Fed. (2d) 676; Ray v. Poulnot, 46 Fed. (2d) 677; Federal Compress Co. v. McLean, 291 U. S. 17; Williams v. Talladega, 226 U. S. 404; Healy v. Ratta, 54 Sup. Ct. 700; Grosjean v. Musser, 74 Fed. (2d) 741; Mathes v. Rodges, 284 U. S. 521, 52 S. Ct. 217, 76 L. Ed. 447; Nutt v. Ellerbe, 56 Fed. (2d) 1058; Gypsy Oil Co. v. Oklahoma Tax Commission, 6 F. Supp. 6; First National Bank v. Richmond, 39 Fed. 309; 149 U. S. 769 (appeal dismissed); Title 12, U. S. C. A., Sec. 548, Notes on page 371; Fisher's Blend Station v. State Tax Commission, 82 Wash. Dec. 123; Atlanta v. Oglethorpe University, 178 Georgia 379, 173 S. E. 110; Eastern Ohio Gas Company v. Tax Commission of Ohio, 283 U. S. 465; Federal Communications Commission v. Nelson, 289 U. S. 267; James v. U. S. Shipping Board, 12 Fed. (2d) 89; Young & Jones v. Hiawatha Gin and Mfg. Co., 17 Fed. (2d) 193; Davis v. Age-Herald Publishing Co., 293 Fed. 591; Postal Telegraph Co. v. City of Mobile, 179 Fed. 955; Haskell v. Cowham, 187 Fed. 403; New Jersey Bell Tel. Co. v. State Board of Taxes and Assessments of New Jersey, 280 U. S. 338, 50 Sup. Ct. 111; Station WBT v. Poulnot, 46 Fed. (2d) 671; Federal Radio Commission v. Nelson Bros. Bond and Mortgage Co. (Station WIBO), 289 U. S. 266, 53 Sup. Ct. 627; Whitehurst v. Grimes, Chief of Police, et al., 21 Fed. (2d) 787; Cooney v. Mountain States Telephone & Telegraph Co., 58 Sup. Ct. 477 (294 U. S. 384); Fisher's Blend Station v. State Tax Commission, 82 Wash. Dec. 123.

DEFENDANTS, other than William B. Severyns, Sheriff of King King County, Washington; cite: Section 24 of the Judicial Code (Title 28, U. S. C. A., Sec. 41, paragraphs 1 and 8); Communications Act of 1934 (Title 47, U. S. C. A., Ch. 5; Mason's U. S. Code Ann. Supl. No. 3, Title 47, ch. 5, p. 1185); Williams v. Talladega, 226 U. S. 404; Federal Compress Co. v. McLean, 291 U. S. 17; Fisher's Blend Station Tax Commission, 82 Wash. Dec. 123; Louis D. Rubin Electrical Co. v. Poulnot, 46 Fed. (2d) 676; Ray v. Poulnot, 46 Fed. (2d) 677; Healy v. Ratta, 292 U. S. 263; Grosjean v. Musser, 74 Fed. (2d) 741; Lawrence v. Ry. Co., 274 U. S. 588, 595; Hooper v. California, 155 U. S. 648; N. Y. Life Ins. Co. v. Deer Lodge County, 231 U. S. 502; Federal Club v. National League, 259 U. S. 200; Blumenstock Bros. Adv. Agency v. Curtis Pub. Co., 252 U. S. 443; Cheney Bros. Co. v. Massachusetts, 246 U. S. 147, 155; Jell-O Co. v. Landes, 20 Fed. (2d) 120; Packer Corporation v. Utah, 285 U. S. 105, 112; Eales v. City of Barbourville, 177 Ky. 216, 197 S. W. 634; Michigan Law Review, June 1928, Vol. 26, pp. 920-921; Hump Hairpin Mfg. Co. v. Emmerson, 258 U. S. 290, 294-5; Lehigh Valley Railroad v. Pennsylvania, 145 U. S. 192; Cornell Steamboat Co. v. Sohmer, 235 U. S. 549; Missouri Pac. R. Co. v. Stroud, 267 U. S. 404; Keokuk & Hamilton Bridge Co. v. Salm, 258 U. S. 122; People's Nat. Bk. v. Maryel, 191 U. S. 272; Raymond v. Chicago Tract. Co., 207 U. S. 20, 38; Henderson Bridge Co v. Kentucky, 166 U. S. 150; Detroit International Bridge Co. v. Corporation Tax Appeal Board, 294 U. S. 83, 55 S. Ct. 332; Atlanta v. Oglethrope University, 178 Ga. 379, 173 S. E. 110, affirmed 178 S. E. 156 and dismissed on motion of appellant, 55 Sup. Ct. 642; Federal Radio Commission v. Nelson Bros. etc. Co., 289 U. S. 266; Trinity Methodist Church South v. Federal Radio Commission, 62 Fed. (2d) 850; Duncan v. United States, 48 Fed. (2d) 128; United States v. American Bond & Mortgage Co., 31 Fed. (2d) 448; American Bond and Mortgage Co. vs. United States, 52 Fed. (2d) 318; Stafford v. Wallace, 258 U. S. 495, 517; Binderup v. Pathe Exchange, 263 U. S. 291, 311; Swift and Company v. United States, 196 U. S. 375, 400; Van Dusen v. Dept. of Labor and Industries, 158 Wash. 414; 15 C. J. 940; M. H. B. Co. v. Desmond, 151 Wash. 344, 350; State v. Keokuk, etc. R. Co., 99 Mo. 30, 12 S. W. 290, 293, affirmed 152 U. S. 301; WBT, Inc. v. Poulnot, 46 Fed. (2d) 671; Cooney v. Mt. States Tel. & Tel. Co., 294 U. S. 384, 79 L. Ed. 498, 55 Sup. Ct. 477; Pacific Express Co. v. Seibert, 142 U. S. 339; Western Union Tel. Co. v. Alabama, 132 U. S. 472; Ratterman v. Western Union Tel. Co., 127 U. S. 411; Ohio River & W. R. Co. v. Dittey, 232 U. S. 576; People ex rel. Cornell S. Co. v. Sohmer, 235 U. S. 549; State v. Northern Exp. Co., 80 Wash. 309; Great Northern Ry. Co. v. State, 147 Wash. 630; Bowman v. Continental Oil Co., 256 U. S. 642; Whitehurst v. Grimes, 21 Fed. (2d) 787.

Cushman, District Judge:

Chapter 180 of the Washington Session Laws of 1935, pages 748, 749, 837, 846 and 847, in part, provides:

Title X. Radio Broadcasting Tax

> "Sec. 74. From and after the first day of May, 1935, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging in the business of radio broadcasting. As to such persons the amount of the

> tax with respect to such business shall be equal to the gross income of the business multiplied by the rate of one-half of one per cent.
>
> "Sec. 76. The taxes imposed hereunder shall be due and payable in bi-monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the bi-monthly period in which the tax accrued. * * *
>
> "Sec. 198. All taxes, penalties and interest imposed under the provisions of this act shall be paid in full before any action may be instituted in any court to contest all or any part of such tax, penalties or interest. No restraining order or injunction shall be granted or issued by any court or judge to restrain or enjoin the collection of any tax or penalty imposed by this act, or any part thereof, except upon the ground that the assessment thereof was in violation of the Constitution of the United States or that of the State of Washington."
>
> Title XIX. Allocation of Revenues
>
> "Sec. 211. The state treasurer, upon receipt of any payments of tax, penalty, interest or fees collected under the provisions of this act and of the several titles hereof, shall first deposit to the credit of the general fund the amount of any expenditures from said fund, not previously repaid, on account of refunds of taxes, interest and costs appropriated under the provisions of section 215 of this act and shall deposit the balance thereof to the credit of the following funds:
>
> 17.91% thereof to the state emergency relief fund;
> 58.51% thereof to the state current school fund;
> 19.05% thereof to the state general fund;
> 3.47% thereof to the University of Washington fund;
> 0.46% thereof to the Washington State College fund;
> 0.265% thereof to the Bellingham Normal School fund;
> 0.045% thereof to the Cheney Normal School fund;
> 0.28% thereof to the Ellensburg Normal School fund."

The "Communications Act of 1934," Section 1 (48 Stat. 1064—Title 47, U. S. C. A., 151, 1934 Cumulative Annual Pocket Part), provides:

> "For the purpose of regulating interstate and foreign commerce in communications by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the 'Federal Communications Commission', which shall be constituted as hereinafter provided; and which shall execute and enforce the provisions of this chapter."

The case is not one within the 11th Amendment. This court has jurisdiction and the second ground of the Motions is untenable. In re Tyler, Petitioner, 149 U. S. 164-190 and 191; Pennoyer v. McConnaughy, 140 U. S. 1-8, 9 and 10; Osborn v. United States Bank, 9 Wheat. 738-846 to 858. See also: Fitts v. McGhee, 172 U. S. 516-529 and 530; Mississippi Railroad Comm. v. Illinois Central Railroad Company, 203 U. S. 335-340.

In East Ohio Gas Co. v. Tax Commission of Ohio, et al., 283 U. S. 465 at 470 the Court said:

* * * * * *

> "It is elementary that a State can neither lay a tax on the act of engaging in interstate commerce nor on gross receipts therefrom. Pullman Co. v. Richardson, 261 U. S. 330, 338. New Jersey Tel. Co. v. Tax Board, 280 U. S. 338, 346."

* * * * * *

In the present suit the tax being upon the gross receipts of the business, which is solely radio broadcasting, the question remains—Is radio broadcasting interstate commerce? The question has received an authoriatative answer.

In Radio Commission v. Nelson Brothers Bond & Mortgage Co. (Station WIBO), 289 U. S. 266, at 279 and 282, the Court said:

* * * * * *

> "No question is presented as to the power of the Congress, in its regulation of interstate commerce, to regulate radio communications. No state lines divide the radio waves, and national regulation is not only appropriate but essential to the efficient use of radio facilities."

* * * * * *

> "That the Congress had the power to give this authority to delete stations" (the deleted station being in one state and the kc. frequency of the deleted station having been assigned to a station in another state) "in view of the limited radio facilities available and the confusion that would result from interferences, is not open to question."

* * * * * *

See also: Whitehurst v. Grimes, 21 Fed. (2d) 787; Duncan v. United States, 48 Fed. (2d) 128; Station WBT v. Poulnot, 46 Fed. (2d) 671-675.

The Bills of Complaint allege that segregation of intrastate business from interstate business and complainants' withdrawal from their intrastate business are all impossible. Such allegations are taken as true at this stage of the proceedings. It follows that if these allegations be true and the nature of the business and of radio activity and communication is as described in the bills of complaint, the statute imposing the tax is invalid, imposing, as it does, a direct burden on interstate commerce. Cooney v. Mountain States Tel. Co., 294 U. S. 384-392; Ratterman v. Western U. Tel. Co., 127 U. S. 411; Western U. Tel. Co. v. Alabama, 132 U. S. 472; William v. Talledega, 226 U. S. 404; Whitehurst v. Grimes, 21 Fed. (2d) 787.

If the holding of the Washington State Supreme Court in Fisher's Blend Station, Inc. v. The State Tax Commission, et al., 82 Wash. Dec. 123, is in any respect opposed to the conclusion herein reached, we conclude that our determination—the case being one arising under the commerce clause—should be controlled by the decisions of the Federal courts herein cited rather than by such decision.

The affidavits filed in support of the applications for interlocutory injunctions are found to support the quoted allegations of the complaints concerning the interstate character of radio communication and complainants' business and the irreparable nature of the damage that would be suffered by complainants if the legislative act attacked was enforced.

The Motions to Dismiss will be denied and interlocutory injunctions will issue.

Any order or orders embodying rulings herein directed will be tentatively settled upon notice before the local judge.

The Clerk is directed to notify the attorneys for the parties of the filing of the foregoing decision.

Francis A. Garrecht,
Circuit Judge.
Edward E. Cushman,
District Judge.
John C. Bowen,
District Judge.

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Netherlands: Judgment of the District Court of Amsterdam of 18 December, 1934. (Reprint from monthly bulletin, Series No. 5389-A, 16 October, 1935, Union Internationale De Radiodiffusion Geneve.)

> "The social purport of the concentration of the functions of intermediary in the matter of musical copyright in the hands of a single bureau leads to a restriction of the rights of the author in the general interest.
>
> "It is no longer a question, in the exercise of the rights of representations borrowed from the civil law *by a monopolist intermediary institution,* of the ordinary exercise of a private right, but social elements intervene which oppose themselves to a purely selfishly conceived exercise of right by the monopolist representative."

Facts (summarized)

The plaintiff society "BUMA" has at its disposal a very extensive so-called "repertory" of musical works by reason of the fact that composers and other owners of copyrights in musical works have entrusted such rights, either directly or through the intermediary of their national organization, for protection and exploitation in the Netherlands to BUMA, to which society permission has been given in the Netherlands by Ministerial Order, to the exclusion of all other persons, to carry on the business of intermediary in the matter of musical copyright.

The Dutch broadcasting company AVRO broadcast or caused to be broadcast from the Hilversum broadcasting station the musical works named in the summons on the dates therein mentioned.

BUMA bases its claims against AVRO on the alleged infringements of its "repertory" committed by AVRO by such broadcastings, against which AVRO defends itself by:

(a) Denying that the works named in the summons belong to the repertory of BUMA. (b) Disputing that, even if that were so, BUMA would have the right to make the claims which it makes and particularly to demand a judicial injunction with penalty, as is claimed in the summons under 2 and 3, and this on grounds which may be summed up as follows:

1. That BUMA, during the negotiations which have been carried on between it and the four broadcasting organizations in regard to the amount to be paid for copyright royalties for 1934, approved of the broadcasting by the broadcasting companies of music belonging to the BUMA repertory, and by its formal prohibition of 22 May, 1934, clearly did not intend a real prohibition, but merely the reservation of a right to compensation;
2. That since the amendment of the Copyright Law in 1931, by which, as a consequence of the revision of the Berne Convention in 1928, article 17bis was inserted in the Copyright Law, the former absolute character of copyright must be held to have been relaxed;
3. That the BUMA repertory is indefinite and accordingly the prohibition would also be altogether indefinite;
4. That in the demand for a judicial injunction against the broadcasting of music belonging to the BUMA repertory there would be *in casu* an abuse of right. The facts were not disputed, and were therefore considered by the Court as established.

Grounds of Decision (summarized)

As regards the denial by AVRO that the musical works *named in the summons* belong to the BUMA repertory, the Court held that it appeared from the documents produced that the copyrights in these works had been assigned by the persons entitled to the society BUMA. In other words, the works broadcast and named in the summons belong to the plaintiff's repertory and the copyright in them has been entrusted to the plaintiff for protection and exploitation.

The court, however, considered that the question was not *how many* infringements AVRO had committed, but rather whether this was a case of *infringement* of copyright, or in other words whether the broadcasting of the seven musical works by AVRO was *unlawful.*

On this point the Court pronounced judgment as follows:

"Considering, as regards this point, that, in the opinion of the Court, it is clear from the letter of 22 May, 1934, from BUMA to Mr. Dubois, the representative of the four broadcasting companies, that BUMA intended from that moment expressly to withhold its permission for the broadcasting of musical works belonging to its repertory from the four broadcasting companies including AVRO;

Considering however that AVRO further alleges that BUMA was not entitled so to do by reason of an arrangement made in regard to the permission of musical broadcasting during the negotiations between BUMA and the broadcasting companies relating to the royalties to be paid for 1934;

That AVRO however here only refers to the promise made in a letter of 25 January, 1934 (document 8) to the Government Commissioner, which letter contains no other promise than that BUMA "will bring no action before the coming discussions have taken place," which has by no means so far reaching a meaning as AVRO seeks to give it;

Considering that in this connection for the question of the lawfulness of the broadcasts—importance further attaches to the point of the defence of AVRO (indicated above under (b) (2)), in which AVRO appeals to the change in character which musical copyright is said to have undergone through the amendment of the Copyright Law in 1931 (insertion of article 17bis)*;

That this defense must clearly be understood in the sense that BUMA, since such amendment of the law, has no longer the right to prohibit broadcasting of its repertory, since musical copyright, as regards the right of broadcasting, is no longer the *exclusive* right of the author to publish his work, but only comprises a right to a reasonable compensation with freedom for others to broadcast all music;

Considering that the Court cannot share this conception of AVRO;

That on the contrary, as appears from the history of the passing of the law for the ratification of the revised Berne Convention, the legislation clearly started from the principle that the broadcasting of a work in common with other rights is the *exclusive right* of the *author* (which is expressly laid down in par. 1 of article 11bis of the revised Convention), but that the possibility is left open, subject to the observance of certain conditions, for such right to be restricted by the national legislator;

That further, at the time of the passing of this Law and of the Law for the amendment of the Copyright Law in connection with the revision of the Berne Convention, it was clearly stated that by the insertion of article 17bis in our legislation nothing was amended in regard to copyright, but only a possibility of amendment was provided for, in that a regulation of the protection of copyright as regards broadcasting might be made by general administrative regulations, which would amount to a limitation of the right to broadcast in its character as an exclusive right of the author;

That, inasmuch as no such regulation has yet been made in this country, the right to broadcast still subsists as an exclusive right of the author, on exactly the same footing as other exclusive rights of the author;

Considering that on the foregoing grounds it must be held that the broadcasting of the seven musical works named belonging to the repertory of BUMA carried out by AVRO *after* the said letter of 22 May, 1934, was unlawful;

That accordingly the claim by BUMA in the summons under 1 is allowable so far as concerns these seven musical works;

That it makes no difference in this respect that AVRO denies having been in fault in this, since it was not placed in a position to ascertain whether it was acting in conflict with the BUMA repertory, inasmuch as it is not here a question of a claim for damages arising out of an unlawful act, but a claim for the establishment of an infringement of copyright;

Considering in the next place, as regards the judicial injunction demanded by BUMA against AVRO forbidding it "by means of broadcasting, to publish or cause to be published music in which composers or other persons entitled who are affiliated to the plaintiff are in possession of copyright", with the claim annexed thereto for the imposition of a penalty for every day on which such prohibition is contravened;

That against this demand are directed more particularly the defences of AVRO mentioned above under (b) 3 and 4, and in the first place the defence, further elaborated in the argument, that (the contents of) the repertory of Buma are unknown, so that such a prohibition as is asked for would be altogether indefinite;

Considering as regards this point:

That, as appears from the foregoing considerations, it has been established in the action that the copyrights in the above named seven musical works have been entrusted to BUMA for protection and exploitation;

That it has *not,* however, been established in these proceedings in respect of what other musical works the copyrights have been entrusted to BUMA for protection;

That BUMA has not restricted its demand for a judicial injunction against further infringements of rights to the copyrights in respect of which it has been established in these proceedings that they are in its hands (and that infringements of them have been committed), but very generally extends it to all the copyrights which it has in its hands, without its being established in these proceedings what rights these are;

That it has become the established judicial practice in this country that the party against whom judgment is given may by judgment be forbidden in the future also to infringe the *right established in the said judgment* of the party in whose favor such judgment is given;

That as regards rights, however, as to which nothing is established by the judgment between the parties, the foundation for the issue of an injunction against infringement is lacking;

That in the connection such a notion as "repertory" of BUMA can lead to no result as this is merely a collective name for all the musical works of which the copyrights have been entrusted to

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* This article is as follows:

"We reserve the right to regulate by decree having the effect of public administrative regulations the conditions of exercise of copyright in a literary, scientific or artistic work as regards the publication of such work by broadcasting.

"Such regulation shall respect the moral rights of the author. In the event of its permitting such publication without the consent of the author, it shall recognise his right to an equitable remuneration."

BUMA for exploitation and protection, and the infringement of the repertory only consists in the infringement of the individual copyrights the infringement of which has been established in these proceedings;

That the "Buma repertory" as a collective notion could only have any significance in this connection, if it had been established in the action that *all* conceivable musical works form part of it, so that ignorance as to particular musical works could have no meaning but BUMA itself admits that this is not the case;

That a prohibition of infringement of rights, which does not attach itself to particular rights established in the concrete, would be altogether vague, and the disputes which would arise in the application of such a prohibition, not only as to the question whether there is an act of infringement of right, but also and in the first place as to the question whether there is a right that can be infringed, would go far beyond the notion of a dispute as to execution properly so called and the possibility of execution of the judgment of the penalty awarded without further title would in such case certainly not be justified;

Considering that on these grounds the general judicial injunction demanded by BUMA against the publication of music in which composers or other persons entitled who are affiliated to the plaintiff are in possession of copyright, cannot be allowed;

Considering that the Court finds no grounds for issuing an injunction against publication even in respect of the individual musical works as to which it has been established in these proceedings that the copyrights in the same have been entrusted to BUMA for protection;

Considering moreover that, in addition to the above mentioned grounds, the following considerations, in connection with the appeal made by AVRO to abuse of right, oppose themselves to the application of the legal remedy chosen in this matter by BUMA;

Considering that the special circumstances which lie at the basis of these proceedings, as they appear from the documents and have been brought out in the arguments, point in the direction of an abuse of right in demanding a prohibition of musical broadcasting in this matter;

Considering moreover that the monopoly position of BUMA as an intermediary office in the matter of musical copyright and the well nigh vital importance which its repertory possesses for the broadcasting companies, and further the unmistakable suitability of the BUMA repertory for broadcasting by the Netherlands broadcasting companies, gives this legal remedy an altogether different significance in the hands of BUMA than in the hands of the individual author who seeks to preserve his rights from infringement;

Considering that in this connection it must be borne in mind that the concentration in this country of the functions of intermediary in the matter of musical copyright in the hands of a single, monopolistic intermediary bureau, as appears from the preparatory proceedings for the legal regulation in question, did *not* take place for the purpose of providing stronger weapons for the selfish ends of private copyright, but on the contrary motive was the general interest in organizing cooperation in the domain of musical copyright with its ideal values;

That precisely the social purport of this concentration leads to a restriction (in the general interest) of the rights of the author (parallel with the tendency expressed in article 17bis of the Copyright Law), inasmuch as, in the exercise of the rights of representation borrowed from the civil law by a *monopolist intermediary institution,* it is no longer a question of the ordinary exercise of a private right, but social elements intervene which oppose themselves to a purely selfishly conceived exercise of right by the monopolist representative;

Considering that an exercise of right such as BUMA now contemplates involves a complete failure to appreciate this tendency and the social significance of BUMA's being entrusted as the sole Netherlands institution with the function of intermediary in the matter of musical copyright;

That moreover the legal remedy chosen (where other less objectionable legal remedies are available) proceeds, as indeed BUMA does not conceal, from a purely selfish standpoint of private right, in regard to which the monopoly position of BUMA is utilized as a welcome accretion of power for furthering the commercial interests of the authors represented by the society, to make the authors' *right* felt in the most rigorous manner, whereby BUMA, as a consequence of the very concentration of rights of representation in its hands, is able to exert an exorbitant preponderance in a domain where such an unrestricted exercise of power must be regarded as impermissible in the general interest;

That accordingly it must be held that this application of the legal remedy of a judicial injunction by BUMA in its dispute with the Netherlands broadcasting companies in regard to the tariff to be enforced, is not in agreement with the *social object* which has become proper to the rights of representation, concentrated in the hands of BUMA as the monopolist intermediary bureau for musical copyright, so that here, so far as rights are established or may be established, it is a question of exceeding such rights;

Considering that, since only the claim under 1 can be allowed, there is no ground for declaring this judgment enforceable on delivery, inasmuch as this decision, being purely declaratory, is not susceptible of execution.

The Society BUMA has given notice of appeal from this judgment.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

Eastern Cuba Sugar Corp. Protective Committee. (2-1717, Form D-1)
Fort Lyon Canal Company, Las Animas, Colo. (2-1718, Form A-2)
Canadian Utilities, Ltd., Calgary, Canada. (2-1720, Form A-1)
Bretonona Corporation, New York City. (2-1721, Form E-1)
Black & Decker Manufacturing Company, Towson, Md. (2-1722, Form A-2)
Commercial Banking Corporation, Philadelphia, Pa. (2-1723, Form A-2)

FEDERAL TRADE COMMISSION ACTION

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

Complaints

No. 2191. Broadening the scope of a complaint issued several months ago against the Building Material Dealers Alliance, of Pittsburgh and Cleveland, and others, an amended supplemental complaint has been issued against these respondents, including for the first time as respondents the Lime & Cement Exchange of Baltimore City; Middle Atlantic Council of Builders Supply Associations, Baltimore; Maryland Builders Supply Association, Baltimore; National Federation of Builders Supply Associations, Pittsburgh; and the officers, councillors and members of these organizations.

Both the original and amended complaints charge the respondent organizations with forming a combination to compel distribution of building materials through "recognized" dealers affiliated with the respondents, and other practices. The amended complaint contains a new charge—that of fixing and establishing, by agreement, schedules of uniform prices for the sale of building materials and builders' supplies. The complaint alleges that prices thus established were enhanced beyond the price which would prevail under natural and normal competition, in the absence of both price agreements and the agreements confining business to so-called "regular" dealers. The complaint also alleges that the respondents required members and "recognized" dealers to enhance and increase their volume of business and profits by maintaining this price program and by other concerted action.

No. 2598. Trade practices deemed to constitute unfair competition in the sale of neckwear are alleged in a complaint against **McCurrach Organization, Inc., of New York City,** a manufacturer of neckwear.

Neckties sold by this company are alleged to have been advertised and sold under the Irish name, "Kerry Poplin," when in fact, according to the complaint, the products to which these words were applied were not made by the hand-weaving process used in making poplin in Ireland. Also, the complaint charges, these ties were not woven in Kerry County or elsewhere in Ireland so as to justify the use of the words on the labels, but were made by machinery in the United States.

No. 2600. Misrepresentation of the sanitary properties of absorbent cotton is alleged as an unfair method of competition in a complaint issued against **Gotham Aseptic Laboratory Co., Inc., of Long Island City, New York.**

Engaged in the manufacture, sale and distribution of surgical supplies, including absorbent cotton, which is sold chiefly to retail drug stores, jobbers and members of the medical profession, the respondent is alleged to have caused certain of its obsorbent cotton to be labeled as "sterilized" and as "manufactured under the strictest sanitary conditions and from the finest quality obtainable."

No. 2601. Alleging unfair competition in the sale of women's dresses, a complaint has been issued against **Fashion Frocks, Inc., of Cincinnati.**

The complaint alleges that amounts advertised by the respondent as compensation for women sales agents far exceeds that which can be earned in normal times and that, contrary to the company's advertising, the respondent does not give salespersons free dresses, but they obtain them, if at all, when they earn a certain commission.

Stipulations

The Commission has issued the following cease and desist orders:

No. 0943. United Factories, of Kansas City, Mo., dealer in oil burners, has entered into a stipulation to discontinue certain unfair advertising practices. The company agrees to stop representing that its product is "the greatest household invention of the age," that it will give a lifetime of service, that it will not smoke or get out of order, and other representations.

No. 0944. Wain's Laboratory, Inc., of Los Angeles, selling a treatment for asthma and hay fever, agrees to stop designating it as capable of helping a person in any climate or without dieting, to breathe freely, sleep soundly, or live comfortably, and to discontinue asserting that the preparation is free from all dangerous drugs and has overcome asthma or hay fever for thousands, and other representations.

No. 0945. Forest Hill Pharmaceutical Co., Inc., of Cleveland, in selling a weight reducing product, agrees to stop asserting that its preparation is safe to take or does no harm to the user. The company will also cease representing that the use of thyroid and cathartics is dangerous unless in direct connection with this assertion it is made known that dinitrophenol, the active ingredient of the respondent's product, is also dangerous. Other similar representations will be discontinued.

No. 0946. Master Drugs, Inc., of Omaha, Nebr., agrees to stop representing that the aspirin it sells "brings more efficient relief in ten minutes, as compared with the half hour to an hour's time that is required by ordinary apirin," and that full medical strength is to be found only in this company's aspirin tablets, known as "Lord's Aspirin." Other representations regarding the powers of this product will be discontinued.

No. 0947. Saffrin's Products Co., of Minneapolis, selling flavoring products, cosmetics and similar articles, agrees to stop representing that a prospective agent or salesperson can make a sale every time he rings a doorbell or at every house solicited; that this company's vanilla flavoring is triple strength; or that the kind of flavoring sold by the respondent is recommended by the United States Department of Agriculture.

No. 0948. Applied Arts Corporation, of Grand Rapids, Mich., engaged in selling a device for defrosting windshields, stipulates that it will not make unmodified representations of earnings in excess of the average earnings of its active, full-time salespersons, and will not hold out as a chance for prospective salespersons any amount in excess of what actually has been accomplished by regular salespersons.

No. 0949. Universal Photographers, Inc., of New York City, selling a correspondence course in photography, will no longer assert in its advertising that there are 34,487 publishers in this country who buy photographs regularly; that they buy 7,000,000 photographs a year, or that photography offers more money, or more opportunities to go places or do things than any other line of endeavor in the world. The respondent will also cease advertising that "membership" in the Universal Photographers, Inc., includes a "press card" which entitles one to the "usual courtesies."

No. 0950. Arthur Wood & Company, of St. Louis, selling "Jumbo Turkey Boards," will cease making unmodified representations of earnings in excess of the average returns to active full-time salespersons.

No. 0951. Chicago Technical College, of Chicago, selling a home-study course in drafting and building, will no longer advertise that the courses it offers by correspondence will equip a person for his work to the same degree that a similar four-year university course would do, and that only through Chicago Technical College can a person obtain college training at home, or that this course is the "swift, sure way to succeed in drafting."

No. 0952. American School of Photography, of Chicago, stipulates that it will stop advertising that anyone, regardless of age, intellectual or educational qualifications, can master its course, and that the course can "beat" or excel a course studied in a resident school. The respondent will also cease making unmodified representations of earnings of its students or graduates.

No. 2038. L. & C. Mayers Co., Inc., of New York City, dealer in and manufacturer of jewelry, has been ordered to cease and desist from representing itself, in its catalogues and otherwise, as a wholesale jeweler or wholesaler in certain classes of its business.

Findings in this case are that representations of the respondent implying that it is a wholesaler have deceived buyers into believing that the company's products are sold at wholesale prices, and that those who purchase from the respondent may thus save the retailer's profit.

No. 2518. An order to cease and desist has been issued against the **Crescent Shoe Company, Inc.,** 133 Duane Street, **New York City,** prohibiting use of the word "Doctor" in connection with the trade name of shoes sold by that company.

The order bans use of the word "Doctor" in advertising these shoes in any way which may tend to deceive buyers into believing that the shoes are made in accordance with the design or under the supervision of a doctor, or that they contain special orthopedic features.

No. 2535. Henry Ross, of New York City, trading as **Tivoli Clothes** and under other names, has been ordered to cease and desist from unfair trade practices in the sale of men's clothing.

Among practices prohibited is the advertisement of garments as "All Wool," or "Fashion Tailored to Fit," or "Tailored on Fifth Avenue," unless and until the garments are actualy made from the quality of woolen and other materials represented and in the manner or at the place represented.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No meeting was held this week by the Broadcast Division of the Commission, owing to the absence from the city of two members of the Division. Action which was scheduled for this week will be taken at the regular meeting next Tuesday.

HEARING CALENDAR

Tuesday, November 12, 1935

WCAO—The Monumental Radio Co., Baltimore, Md.—Modification of license, **600 kc.,** 1 KW, unlimited time. Present assignment: **600 kc.,** 500 watts, 1 KW LS, unlimited time.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Modification of license, **600 kc.,** 1 KW, specified hours. Present assignment: **600 kc.,** 500 watts night, C. P. for 1 KW daytime, specified hours.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of license, **610 kc.,** 1 KW, unlimited time. Present assignment: **610 kc.,** 500 watts (SA for 1 KW daytime), unlimited time.

NEW—E. L. Clifford, Pottsville, Pa.—C. P., **580 kc.,** 250 watts, daytime.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of license, **560 kc.,** 1 KW, unlimited time. Present assignment: **560 kc.,** 500 watts (1 KW LS SA), unlimited time.

Wednesday, November 13, 1935

NEW—W. A. Patterson, Chattanooga, Tenn.—C. P., **1420 kc.,** 100 watts, daytime.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—C. P., **780 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **780 kc.,** 1 KW, 2½ KW LS, unlimited time.

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., **1200 kc.,** 100 watts, unlimited time.

Thursday, November 14, 1935

NEW—Springfield Newspapers, Inc., Springfield, Mo.—C. P., **710 kc.,** 1 KW, daytime.

HEARING BEFORE THE BROADCAST DIVISION

WAIU—Associated Radiocasting Corp., Columbus, Ohio.—Renewal of license, **640 kc.,** 500 watts, limited with KFI.

APPLICATIONS RECEIVED

First Zone

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 License to cover construction permit (B1-P-479) for an auxiliary transmitter.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Modification
900 of construction permit (B1-P-427) to extend completion date to 12-26-35.

WCSH—Congress Square Hotel Co., Portland, Maine.—Modification
940 of license to increase power from 1 KW, 2½ KW LS, to 5 KW day. Amended to request 5 KW day and night.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification
1010 of construction permit (B1-P-336) to make equipment changes, increase day power from 1 KW to 5 KW, to further request changes in equipment and extend commencement date to date of grant and completion date 180 days thereafter.

WFBL—Onondaga Radio Broadcasting Corporation, Syracuse,
1360 N. Y.—Authority to install automatic frequency control.

NEW—New England Radio Corp., Bridgeport, Conn.—Construction
1370 permit for a new station on **1370 kc.,** 100 watts, daytime operation. Amended to make equipment changes.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Construction permit for new general experimental station for broadcast pickup purposes to use **31100, 34600, 37600, 40600 kc.,** 5 watts. A3 emission.

NEW—General Electric Company, Portable-Mobile.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600 kc.,** 15 watts.

Second Zone

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of
890 construction permit (B2-P-506) install new equipment, increase power, transmitter site to be determined, to further request antenna changes, approval of transmitter site at 3¾ miles west of Fairmont, W. Va., and extend commencement date to 30 days after grant and completion date 180 days thereafter.

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—Construction
1200 permit for a new station on **1200 kc.,** 100 watts, 250 watts LS. Amended to request 100 watts day and night and equipment changes.

WCAE—WCAE, Inc., Pittsburgh, Pa.—License to cover construction
1220 permit (B2-P-198) as modified for new equipment and increase power.

WCAE—WCAE, Inc., Pittsburgh, Pa.—License to use old trans-
1220 mitter as auxiliary transmitter.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction
1260 permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW LS.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—License
1290 to cover construction permit (B2-P-148) as modified to move transmitter and make equipment changes.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Authority to in-
1380 stall automatic frequency control.

Third Zone

NEW—J. R. Maddox and Dr. W. B. Hair, d/b as Chattanooga
590 Broadcasting Company, Chattanooga, Tenn.—Construction permit for a new station on **590 kc.,** 1 KW, unlimited time.

NEW—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Construction
880 permit for new station on **1330 kc.,** 250 watts, 500 watts local sunset, unlimited time. Amended to change frequency from **1330 kc.** to **880 kc.**

NEW—Wilton Harvey Pollard, Huntsville, Ala.—Construction per-
1200 mit for a new station on **1200 kc.,** 100 watts, unlimited time, requesting facilities of station WBHS.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Modification
1200 of construction permit (B3-P-695) for equipment changes, to further request equipment changes, change frequency from **1200 kc.** to **1210 kc.;** move transmitter from 512-516 S. Grand St. to Renwick St., Monroe, La.; extend commencement date 90 days and completion date 90 days thereafter.

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Construction
1210 permit to make changes in equipment (antenna); move transmitter from Chamber of Commerce Building to McWilliams Building, 3rd and Delta, Clarksdale, Miss., and studio from Chamber of Commerce Building to corner of 3rd and Yazoo Avenue, Clarksdale, Miss. Amended to change transmitter site to corner of 3rd and Yazoo Avenue, Clarksdale, Miss.

KFPM—Voice of Greenville, Greenville, Tex.—Construction permit
1310 to make equipment changes, increase power from 15 watts to 50 watts, change hours of operation from specified hours to daytime, and change call letters to KVOG. Amended to make further equipment changes and to change power from 50 watts to 100 watts.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction per-
1310 mit for new station on **1200 kc.,** 100 watts, daytime operation. Amended to request change of frequency from **1200 kc.** to **1310 kc.**

NEW—Emilio Defillo Ramirez, Mayaguez, Puerto Rico.—Construction
1370 permit for new station on **1370 kc.,** 100 watts, 250 watts local sunset, limited time. Amended to make changes in equipment and to change hours of operation from limited time to specified hours.

NEW—Douglas G. Boozer and Jack Richards, Brunswick, Ga.—
1420 Construction permit for a new station on **1420 kc.,** 100 watts, daytime operation. Amended to make equipment changes and to add to name Brunswick Radio Broadcast Station.

NEW—Athens Times, Inc., Athens, Ga.—Construction permit for
1450 a new station on **1450 kc.,** 500 watts, unlimited time, requesting facilities of station WTFI.

NEW—The Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit for a relay broadcast station on **6040, 11830, 17760 kc.,** 100 watts.

Fourth Zone

NEW—International Typographical Union of North America, In-
560 dianapolis, Ind.—Construction permit for new station on **560 kc.,** 1 KW, 5 KW local sunset, unlimited time, requesting facilities of station WIND.

WFBM—Indianapolis Power and Light Company, Indianapolis, Ind.
1230 —License to cover construction permit (B4-P-144) as modified to make equipment changes and move transmitter and studio.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Construction
1410 permit to make changes in equipment; change frequency from **1370 kc.** to **1410 kc.;** and increase power from 100 watts to 1 KW, 5 KW local sunset. Amended to make further changes in equipment and antenna; also to change power to 1 KW day and night.

KABR—Aberdeen Broadcast Company, Aberdeen, S. Dak.—Construction
1420 permit to make equipment changes and to move transmitter locally, from Lake Wylie to Wylie Park, Aberdeen, S. Dak.

KIIV—Charles L. Jaren, Fergus Falls, Minn.—Modification of license to add frequencies **2060** and **2790 kc.**

Fifth Zone

KNX—Western Broadcast Company, Los Angeles, Calif.—Construction
1050 permit to make changes in equipment and increase power from 50 KW to 250 KW. Amended re equipment changes, move studio from 1559 N. Vine St. to 5939 Sunset Blvd., Los Angeles, Calif., and request 500 KW power instead of 250 KW.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Construction
1060 permit to make equipment changes (antenna); move studio from 220 Broadway to 622 S. W. Salmon St., Portland, and transmitter from same site to Oak Park, Portland, Ore.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—License to
1120 cover construction permit (B5-P-88) as modified for new equipment and increase in power.

NEW—B. A. Thompson, Santa Cruz, Calif.—Construction permit
1210 for a new station on **1210 kc.,** 100 watts, 250 watts local sunset, unlimited time. Amended to change frequency to **1310 kc.** and to make equipment changes.

NEW—Donald A. Wike and H. E. Studebaker, Baker, Ore.—Construction
1370 permit for a new station on **1370 kc.,** 100 watts, 250 watts local sunset, unlimited time. Request frequency of KUJ contingent upon KUJ being granted another frequency, as applied for.

NEW—Kidd Brothers, K. K. Kidd and A. C. Kidd, Taft, Calif.—
1420 Construction permit for a new station on **1420 kc.,** 100 watts, daytime operation. Amended to request equipment changes and changing studio and transmitter sites.

NEW—Oregon State Agricultural College (Portable-Mobile).—Construction permit for new general experimental station on **31100, 34600, 37600, 40600, 86000, 400000 kc.,** 5 watts.

NEW—Nichols and Warinner, Inc. (Portable-Mobile).—Construction permit for new general experimental station on **31100, 34600, 37600, 40600 kc.,** 30 watts.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★ Vol. 3 - - No. 52
NOVEMBER 9, 1935

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BROADCAST ADVERTISING DURING THE THIRD QUARTER OF 1935

Principal Developments

Broadcast advertising during the third quarter of the current year showed a gain of 33.2% as compared to the corresponding period of 1934. Sales of broadcasting facilities to advertisers during the first nine months of 1935 were 22.3% above the level of the same period of the preceding year.

Important gains were experienced by all portions of the medium, with national non-network and regional network advertising showing the greatest improvement.

Non-network advertising increased on all sizes of stations. Clear channel and local station volume showed the greatest gains.

The largest increase in non-network advertising occurred in the South Atlantic-South Central Area and in the Pacific and Mountain Area.

Transcription and live talent volume experienced the greatest gains in the national non-network field, while transcription and record volume showed the most pronounced improvement in the local broadcast advertising field.

Food, confectionery, household equipment, and tobacco advertising experienced the greatest gains in the national network field. Regional network advertising showed marked increases both as to volume and variety of business.

In the national non-network field, automotive, food, confectionery, soap, and tobacco advertising registered the greatest rise. Automotive, clothing, and house furnishing advertising were the principal sponsor groups to show gains in the local field.

General retail advertising experienced an increase of 47.6% as compared with the corresponding period of 1934. Department store volume rose 29.2%.

Broadcast Advertising Volume

Broadcast advertising volume over various portions of the medium during the third quarter of the current year is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

	Gross Time Sales Third Quarter	
Class of Business	*1934*	*1935*
National networks	$7,304,237	$9,451,157
Regional networks	133,581	256.203
National non-network	2,147,775	3,607,935
Local	3,294,849	3,840,055
Total	$12,880,442	$17,155,350

Regional network advertising showed the greatest gain over the corresponding period of the preceding year. Volume in this field rose 92.1%. National network volume gained 29.4%, national non-network advertising 68.0%, and local advertising 16.5%.

The sale of broadcasting facilities to advertisers during the first nine months of the current year exceeded those of the corresponding period of 1934 by 21.8%. Gains in various portions of the medium were as follows: National networks 21.3%, regional networks 16.0%, national non-network advertising 24.5%, and local broadcast advertising 18.5%.

Comparison with Other Media

Radio broadcasting continues to show the greatest improvement over the corresponding period of the preceding year. Whereas broadcast advertising volume increased 33.2%, newspaper advertising rose 6.0%, and national farm paper volume 6.7%. National magazine advertising decreased 0.5%. National magazine volume was 7.4% greater during the first nine months of the current year and during the corresponding period of 1934. Farm paper volume showed an increase of 4.4% and newspaper lineage a rise of 2.4%.

Details regarding advertising volume over major media are found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	Gross Time and Space Sales Third Quarter	
Advertising Medium	*1934*	*1935*
Radio broadcasting	$12,880,442	$17,123,410
National magazines[1]	24,837,024	24,713,755
National farm papers	1,060,717	1,132,083
Newspapers[2]	109,712,900	116,317,000
Total	$148,491,083	$159,346,248

[1] Publishers' Information Bureau.

[2] Estimated.

Non-network Advertising

Total non-network advertising rose 36.8% as compared with the third quarter of last year. Non-network advertising over clear channel and high-powered regional stations, those of more than 1,000 watts in power, increased 43.4%. Regional station advertising, stations of between 250 and 1,000 watts in power, rose 27.2%. Local station volume experienced a gain of 46.8% as compared to the corresponding quarter of the previous year.

Gains in non-network advertising over various sizes of stations during the first nine months of the current year as compared with the corresponding period of 1934 were as follows: Clear channel stations 24.6%, regional stations 16.5%, and local stations 26.0%.

Non-network volume by various classes of stations is shown in Table III.

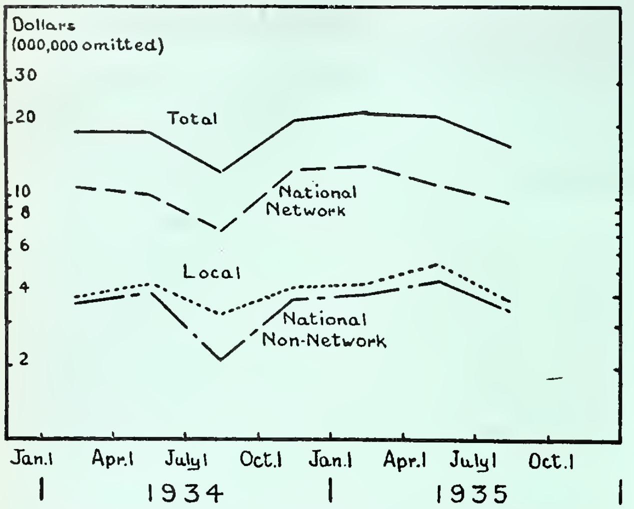
TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

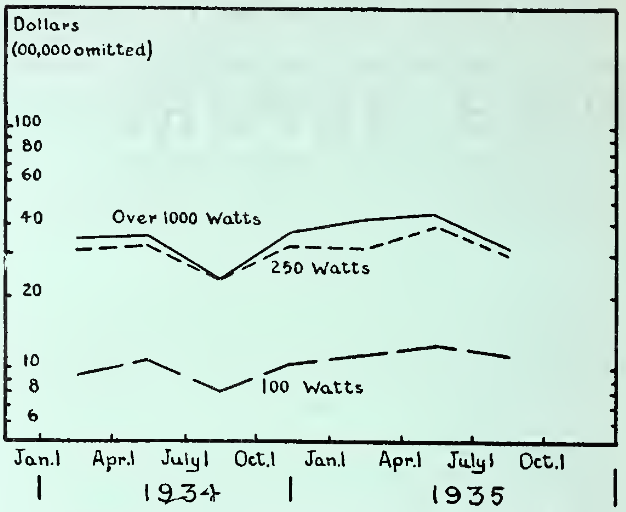
	Gross Time Sales Third Quarter	
Power of Station	*1934*	*1935*
Over 1,000 watts	$2,244,822	$3,219,350
250-1,000 watts	2,380.212	3,028,440
100 watts	817,590	1,200,200
Total	$5,442,624	$7,447,990

Non-network advertising in the South Atlantic-South Central Area was double that of the corresponding period of last year. Non-network volume in the North Central Area rose 49.1%, while that in the Pacific and Mountain Area increased 73.1%. Non-network volume in the New England-Middle Atlantic Area was 10.3% below the third quarter of 1934. Trends in the geographical distribution of non-network advertising have tended to be the same during the third quarter of the present year as they were during the preceding six months.

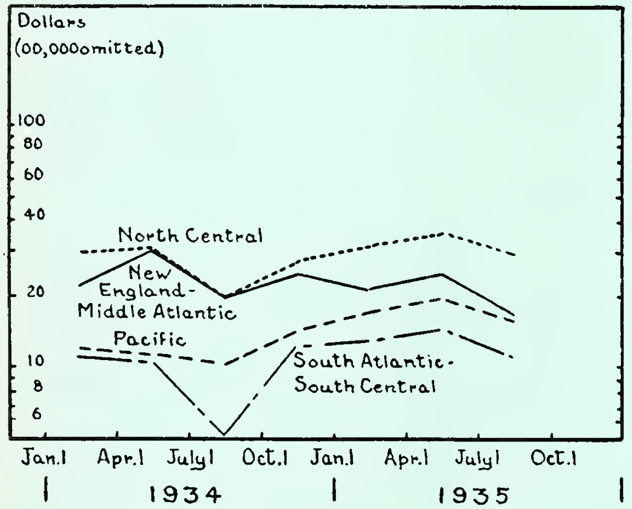
Non-network advertising by geographical districts is found in Table IV.



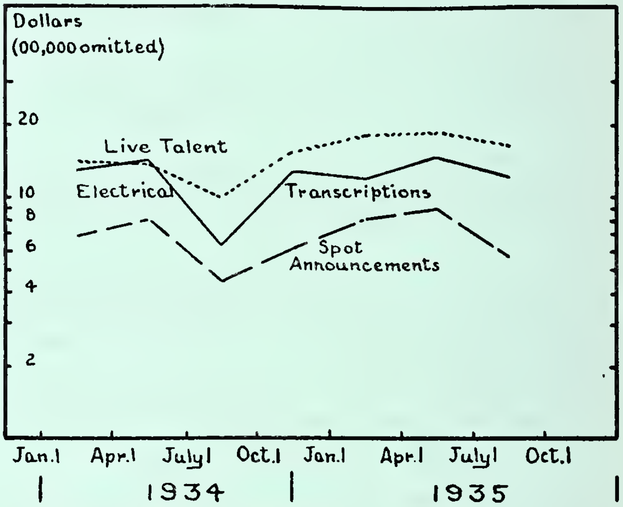
RADIO BROADCAST ADVERTISING VOLUME BY QUARTERS
January, 1934 to October, 1935



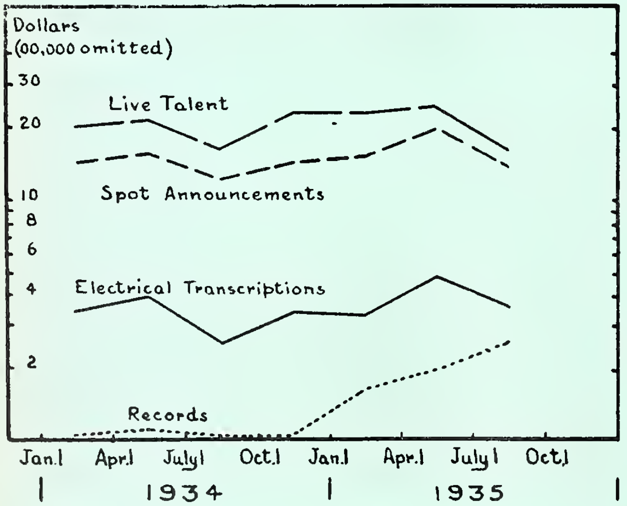
NON-NETWORK ADVERTISING BY STATION POWER (QUARTERLY)
January, 1934 to October, 1935



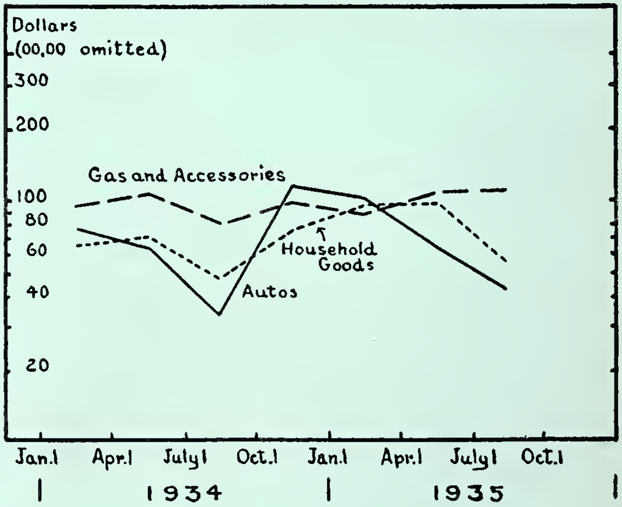
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS (QUARTERLY)
January, 1934 to October, 1935



NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION (QUARTERLY)
January, 1934 to October, 1935



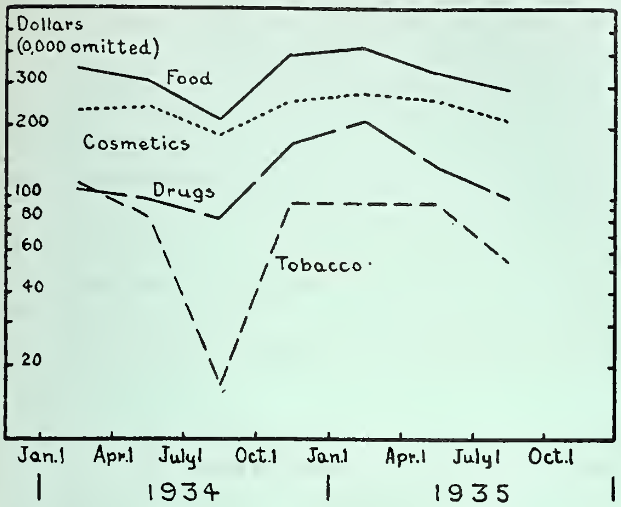
LOCAL ADVERTISING BY TYPE OF RENDITION (QUARTERLY)
January, 1934 to October, 1935



NATIONAL NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)
January, 1934 to October, 1935

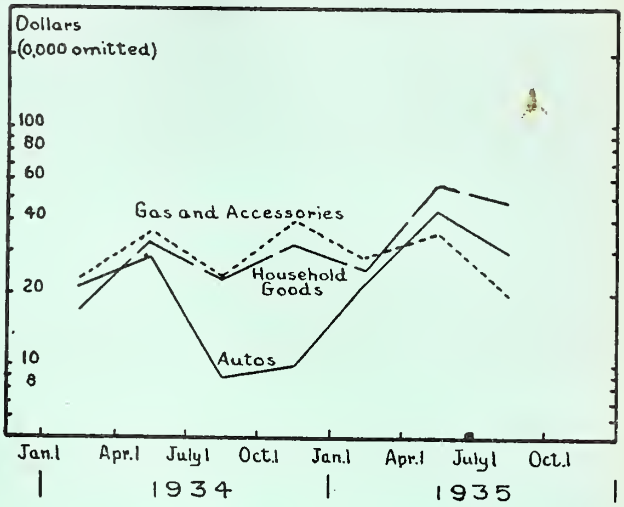
NATIONAL NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)

January, 1934 to October, 1935



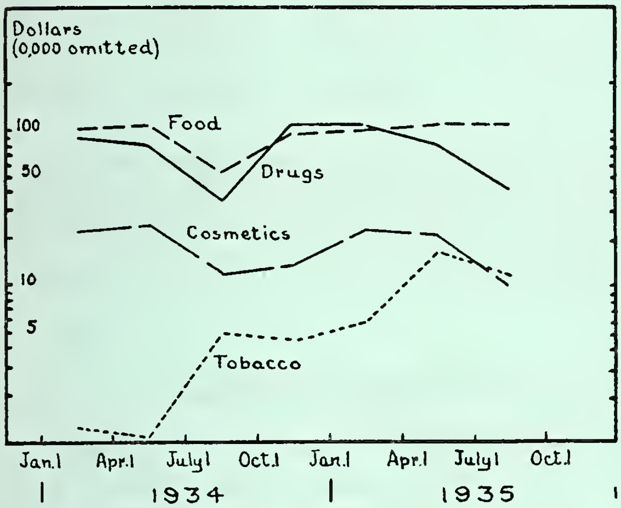
NATIONAL NON-NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)

January, 1934 to October, 1935



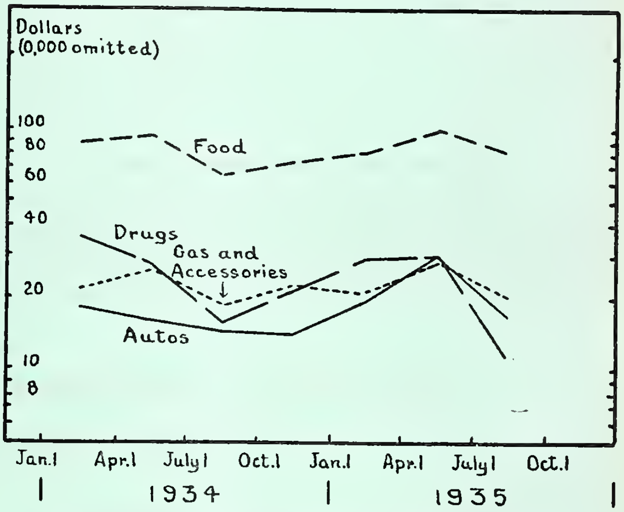
NATIONAL NON-NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)

January, 1934 to October, 1935



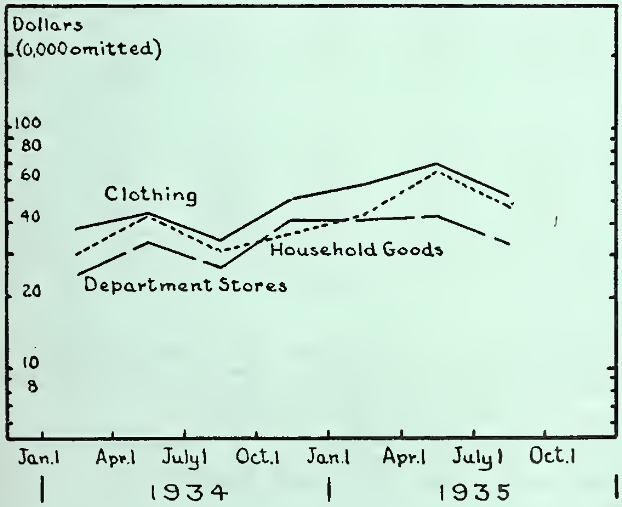
LOCAL ADVERTISING BY PRODUCT CLASSES (QUARTERLY)

January, 1934 to October, 1935



LOCAL ADVERTISING BY PRODUCT CLASSES (QUARTERLY)

January, 1934 to October, 1935



BROADCAST ADVERTISING BY RETAIL ESTABLISHMENTS (QUARTERLY)

January, 1934 to October, 1935

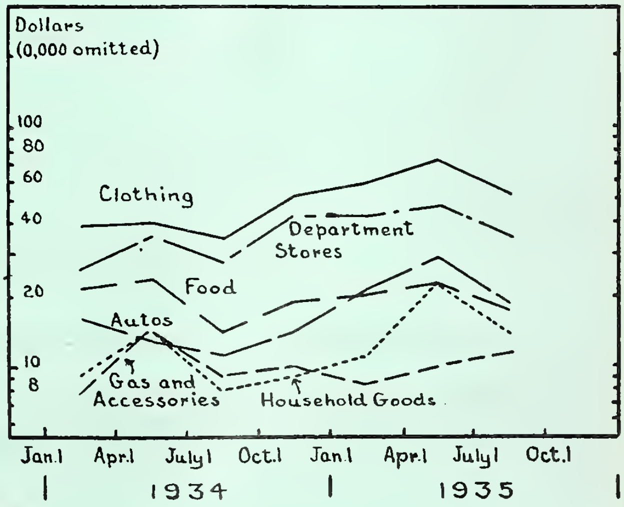


TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	*Gross Time Sales Third Quarter* *1934*	*1935*
New England-Middle Atlantic Area	$1,982,376	$1,777,065
South Atlantic-South Central Area	547,696	1,102,390
North Central Area	1,973,661	2,943,600
Pacific and Mountain Area	938,891	1,624,935
Total	$5,442,624	$7,447,990

Advertising by Types of Rendition

Transcription and live talent volume continued to show the most marked improvement in the national non-network field. Transcription volume during the third quarter of the current year increased 93.1% over the corresponding period of 1934, while live talent volume rose 74.7%. Announcement business increased 22.6%.

In the local field, transcription volume and record business showed the greatest increases. Transcriptions rose 46.4% as compared with the third quarter of last year, while record volume gained 85.0%. Live talent remained unchanged, while announcement business increased 24.8%.

The trends in the use of various types of rendition have caused slight changes in their relative importance in non-network advertising as compared with the first six months of the current year. During the past quarter, transcriptions represented 31.6% of national non-network volume, live talent programs 44.5%, and announcements 23.4%. In the local field transcriptions represented 9.4% of the total, live talent programs 45.2%, records 4.4%, and announcements 40.0%. In both the national and local talent fields the proportion of business accounted for by announcements increased by approximately one-tenth.

Compared with the first nine months of last year, transcription volume rose 16.2%, live talent business 23.9%, records 76.0%, and announcements 20.5%.

Details regarding broadcast advertising by various types of rendition are found in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	*Third Quarter Gross Time Sales* *National Non-network* *1934*	*1935*	*Local* *1934*	*1935*	*Total* *1934*	*1935*
Electrical transcriptions	$655,028	$1,264,750	$251,545	$368,190	$906,573	$1,632,940
Live talent programs	1,019,570	1,780,765	1,719,664	1,719,860	2,739,234	3,545,625
Records	5,325	19,405	90.505	167,440	95,830	186,800
Announcements	467,852	573,825	1.233.135	1,539,565	1,700,987	2,082,625
Total	$2,147,775	$3,991,945	$3,294,849	$3,840,055	$5,442,624	$7,447,990

Broadcast Advertising Sponsorship

Principal developments in this field during the third quarter of the current year have been an increase in all forms of automotive advertising, a rise in national network and non-network food volume, a marked increase in national network and local household equipment advertising, decided gains in national and regional network and national non-network tobacco volume, an increase in local and regional network clothing advertising, a considerable rise in national network and national non-network confectionery advertising, and in national non-network soap and kitchen supply advertising.

Volume of advertising placed by various types of sponsors is found in Table VI.

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

Type of Sponsoring Business	*Third Quarter Gross Time Tales* *National network* *1934*	*1935*	*Regional network* *1934*	*1935*	*National non-network* *1934*	*1935*	*Local* *1934*	*1935*	*Total* *1934*	*1935*
1a. Amusements	—	—	—	—	$13,693	$17,815	$138,842	$128,420	$154,535	$146,235
1–2. Automobiles and accessories:										
(1) Automobiles	$345,479	$436,926	—	$1,684	91,483	507,470	147,245	178,225	584,207	1,124,305
(2) Accessories, gas and oils	813,804	1,132,201	$39,331	38,898	257,829	208,495	185,765	211,230	1,298,739	1,590,824
3. Clothing and apparel	91,406	73,557	5,928	15,496	65,534	79,620	352,742	517,400	515,610	686,073
4–5. Drugs and toilet goods:										
(4) Drugs and pharmaceuticals	817,737	1,042,179	3,153	13,709	365,424	415,700	165,733	117,145	1,352,047	1,588,733
(5) Toilet goods	1,946,961	2,184,615	3,810	440	138,721	105,520	46,140	55,045	2,135,632	2,345,620
6–8. Food products:										
(6) Foodstuffs	1,471,439	2,208,737	28,557	61,606	419.268	892,075	474,898	536,555	1,699,954	3,698,973
(7) Beverages	690,071	605,794	12,319	3,794	105,021	197,380	179,295	263,115	986,706	1,070,083
(8) Confections	46,920	100,531	650	650	14,465	46,935	6,655	24,105	68,690	172,221
9–10. Household goods:										
(9) Household equipment and furnishings	47,883	77,692	424	18,613	88,445	126,355	292,545	466,380	429,297	689,040
(10) Soap and kitchen supplies	436,832	474,769	—	13,626	155,786	362,990	22,408	12,325	615,026	873,710
11. Insurance and financial	112,503	96,494	6,955	1,508	33,110	57,615	98,242	132,720	250,810	288,337
12. Radios	129,448	172,202	—	—	20.870	36,815	25,270	34,235	174,548	243,292
13. Retail establishments	—	—	—	860	7,030	22,670	272,399	337,370	279,429	360,900
14. Tobacco products	177,734	554,490	—	66.168	53,700	120,840	5.873	16,705	237,307	758,203
15. Miscellaneous	175,950	280,970	32,455	19,151	318,506	409,600	878,787	809,080	1,395,698	1,518,801
Total	$7,304,237	$9,451,157	$133,581	$256,203	$2,147,775	$3,607,935	$3,294,849	$3,840,491	$12,880,452	$17,155,350

Detailed analysis of the trends in the various fields of sponsorship is as follows:

1a. ***Amusements.*** A decline of 5.4% compared to corresponding period of 1934. Local down 7.5% and national up 30.1%.

1. ***Automotive.*** Total volume up 92.5%. National network volume up 26.5%, national non-network advertising 457.1%, and local 21.1%.

2. ***Gasoline and accessories.*** Total volume up 22.5% as compared to corresponding quarter of last year. National network volume up 39.1% and local 13.7%. National non-network volume down 19.1% and regional network volume 1.1%.

3. ***Clothing.*** Total volume up 33.0%. National network volume down 19.8%. Regional network volume up 161.4%, national non-network advertising 21.5%, and local 88.7%.

4. ***Drugs and pharmaceuticals.*** Total volume up 17.5%. National network volume up 27.4%, regional networks 334.8%, and national non-network 13.8%. Local advertising down 29.3%.

5. ***Toilet goods.*** Gain in total volume over third quarter of last year 9.8%. National network volume up 12.2% and local advertising 19.3%. National non-network advertising down 23.9%, with material decline in regional network volume.

6. ***Foodstuffs.*** Total volume up materially. Gains in various portions of the medium as follows: National networks 50.1%, regional networks 117.9%, national non-networks 112.8%, and local 13.0%.

7. ***Beverages.*** An increase of 8.4% in total volume. National non-network advertising up 87.6% and local 46.8%. National network volume down 12.2% and regional network volume down 69.2%.

8. ***Confectionery.*** National network volume increased 114.3%, while national non-network and local advertising more than doubled.

9. ***Household equipment.*** Total volume increased 60.5% over corresponding quarter of last year. National network volume rose 62.5%, national non-network advertising 42.9%, and local advertising 59.4%. Regional network volume increased very materially.

10. ***Soaps and kitchen supplies.*** Total volume increased 42.1%. National network advertising rose 8.7% and regional volume increased materially. National non-network advertising increased 133.1%, while local volume dropped 45.1%.

11. ***Insurance and financial.*** Total volume increased 15.0% as compared with the third quarter of last year. National network volume dropped 14.3% and regional advertising declined materially. National non-network volume rose 74.0%, while local increased 35.1%.

12. ***Radio.*** National network and local volume rose approximately one-third, while national non-network volume increased 80.0%.

13. ***Department and general stores.*** Total volume in this field increased 29.2% as compared with the third quarter of last year. Local volume rose 23.9% and national volume 222.5%.

14. ***Tobacco products.*** National network volume increased 215.9% as against the third quarter of 1934. National non-network advertising increased 125.0%, while regional network volume rose materially.

15. ***Miscellaneous.*** Total volume increased 8.8%. National network volume rose 59.7%, national non-network advertising increased 28.6%, while local volume dropped 7.9%.

Retail Broadcast Advertising

Total retail broadcast advertising over the period increased 47.6% as compared to the preceding year. Principal gains were as follows: Automotive, 61.3%, gasoline and accessory retailers, 37.4%; clothing and apparel shops, 45.0%; restaurants and eating places, 25.0%; beverage retailers, 169.6%; household equipment dealers, 92.1%; furniture stores, 83.9%; and hardware stores, 49.0%.

Retail broadcast advertising volume is found in Table VII.

TABLE VII

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

	Gross Time Sales Third Quarter	
Type of Sponsoring Business	*1934*	*1935*
Automobiles and accessories:		
Automobile agencies and used car dealers	$117,256	$189,025
Gasoline stations, garages, etc.	91,793	126,045
Clothing and apparel shops	361,230	523,860
Drugs and toilet goods:		
Drug stores	22,379	45,700
Beauty parlors	13,958	22,830
Food products:		
Grocery stores, meat markets, etc.	100,988	108,225
Restaurants and eating places	50,568	63,191
Beverage retailers	2,339	6,270
Confectionery stores, etc.	3,942	3,374
Household goods:		
Household equipment retailers	81,020	155.640
Furniture stores	132,844	244,210
Hardware stores	30,068	44,730
Radio retailers	20,577	31,248
Department and general stores	279,429	360,900
Tobacco shops	2,615	580
Miscellaneous	131,470	198,020
Total	$1,438,606	$2,123,858

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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Copyright, 1935. The National Association of Broadcasters

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JETT NAMED ACTING CHIEF ENGINEER

At a General Session of the Commission November 6, Lt. E. K. Jett was designated Acting Chief Engineer to succeed Dr. C. B. Jolliffe, who has resigned, effective November 12, 1935.

Lieutenant Jett has been identified with communications for 20 years, having served in the Navy 18 years and with the former Radio Commission and this Commission for the past 7 years. He has been serving as Assistant Chief Engineer since September, 1931, having charge of radio services other than broadcasting. Since the creation of the Communications Commission, wire telegraph services, including submarine cables, have been added to his duties.

PART OF COMMISSION MOVES

Several divisions of the Federal Communications Commission have again been forced to move owing to the fact that the Interstate Commerce Commission needed additional room in its own building where some divisions of the Communications Commission were housed.

The following divisions of the Communications Commission have been moved to the old Barber & Ross building, corner 11th and G Streets, Northwest: Examiners' accounting, and the engineering division of the special investigation of the telephone companies; and international accounts division.

The accounting division of the special investigation of the telephone investigation has been moved to the Washington Star Building, corner 11th and Pennsylvania Avenue, Northwest. The legal division of this investigation will be moved there shortly.

NEW YORK CASE DISMISSED WITHOUT PREJUDICE

Willis T. Shaughnessy applied to the Federal Communications Commission for a construction permit to erect a new station in New York City using 1370 kilocycles, 100 watts power, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-132, has recommended that the application be dismissed without prejudice. When the case came on for hearing counsel for the applicant asked that the application be dismissed. The Examiner found that no one but the applicant had incurred any expense in connection with the hearing.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

Colon Oil Corporation's Committee, New York City. (2-1727, Form D-1)
Great Southern Morgan Coal & Coke Mining Corp., Richmond, Va. (2-1728, Form A-1)
Insured Investors, Inc., Kansas City, Mo. (2-1729, Form A-1)
American Business Shares, Inc., Jersey City, N. J. (2-1730, Form A-1)
First Manhattan Company, New York City. (2-1734, Form A-1)
Auburn Automobile Company, Auburn, Ind. (2-1736, Form A-2)
Seaboard Finance Corporation, Washington, D. C. (2-1737, Form A-1)
Chlorlyptus Chemical Company, Inc., York, Pa. (2-1740, Form A-1)
F. E. Wisecup, trustee, San Angelo, Texas. (2-1741, Form A-1)
Harris, Hall & Company, Chicago, Ill. (2-1742, Form A-1)
Keystone Steel & Wire Company, Peoria, Ill. (2-1743, Form A-2)
Menasco Manufacturing Co., Los Angeles, Calif. (2-1744, Form A-1)

SOUND ON DISK TRANSCRIPTIONS NOT TAXABLE

A decision has just been rendered by the Bureau of Internal Revenue, Treasury Department, in connection with Title IV of the manufacturers excise tax law of 1932 in which it has been held that "electrical transcriptions used for broadcasting purposes and motion picture records of the 'sound on disk' type are not taxable as 'records for phonographs.'" In this connection the Bureau has issued the following official statement:

"Inquiry is made whether electrical transcriptions used for broadcasting purposes and motion-picture records of the 'sound-on-disk' type are subject to tax as 'records for phonographs' under section 607 of the Revenue Act of 1932, which imposes a tax on certain articles (including 'records for phonographs') sold by the manufacturer, producer, or importer.

"In S. T. 550 it was held that electrical transcriptions used by broadcasting systems are records for phonographs and taxable as such under the law; and in S. T. 651 the conclusion was reached that motion-picture records of the 'sound-on-disk' type also come within the general class of records for phonographs. Reconsideration of those decisions is requested.

"At the time section 607 was enacted the word 'phonograph' had acquired a definite meaning both in the minds of the public and in judicial decisions and it is to be assumed that Congress had that meaning in mind and used the word in that sense when it enacted this provision. As was stated in *Kepner* v. *United States* (195 U. S., 100), 'It is a well-settled rule of construction that language used in a statute which has a settled and well-known meaning, sanctioned by judicial decision, is presumed to be used in that sense by the legislative body. * * *'

"According to the Encyclopedia Britannica the phonograph is an instrument for reproducing sound by transmitting to the air the mechanical vibrations of a stylus in contact with a sinuous groove in a moving record. Less specifically, the term designates any instrument for the recording or subsequent reproduction of sound. Congress in imposing a tax on 'records for phonographs' could not have had in mind this general definition of the word 'phonograph.' If such were the case, all records embodying the principle of the phonograph would be taxable, including motion-picture records of the sound-on-disk type, records made by police departments in gathering evidence, records of public statements for use in the event of a libel or slander suit, and many more uses to which the phonographic principle of sound recordation and reproduction is put. Technically, the machines which record sound as well as those which reproduce it are phonographs, but from a consideration of the language of section 607, it is evident that Congress had in mind only the machines which reproduce the sound. Such a machine has a revolving turntable, a sound-arm holding a diaphragm in which is fastened a needle or jewel, and a sound-box or horn. The word 'phonograph,' according to its ordinary meaning as well as its technical meaning, does not include the equipment used in broadcasting studios, but refers to those instruments which, prior to the advent of the radio, were ex-

CONGOIN

The Lockwood-Shackleford Company has advised a member that an agreement has been reached whereby they would proceed with the sale of Congoin and that this product would be marketed by a new company to be known as the Quality Food Company.

An inquiry has been received concerning the matter. The matter has been investigated at the Pure Food and Drugs Section of the Department of Agriculture, the Office of the Solicitor for the Post Office Department and the Federal Trade Commission. Mr. George L. Larrick of the Pure Food and Drugs Section of the Department of Agriculture has authorized me to say that in so far as the Pure Food and Drug laws are concerned Congoin or Yerba Mate may with propriety be advertised as a palatable and refreshing beverage; that advertising copy of this product may properly dwell upon its romantic features involving its use over many years by people in South American countries; and that the advertiser may properly speak of the millions who use it as a beverage of choice. Mr. Larrick further advised that in so far as the Pure Food and Drug laws were concerned no claims should be made for its medicinal value.

It was learned from the Office of the Solicitor for the Post Office Department that there has been no modification of the fraud order issued against the Congoin Company. It was also learned that one of the assignees of the Congoin Company, a Mr. Parr, has been advised that the Post Office Department is without authority of law to give its approval to any plan of business proposed to be operated through the mails; and that in the event the Department receives evidence showing the Congoin scheme heretofore found fraudulent is continued under some new name it will be necessary to extend the fraud order to cover the new name employed.

Investigation of the matter at the Federal Trade Commission showed that no complaint had been issued against the Congoin Company, as of November 14.

Members will observe the conflict between the Pure Food and Drugs Section of the Department of Agriculture and the Post Office Department. Whereas the Department of Agriculture finds that Congoin or Yerba Mate may properly be advertised as a beverage, the Post Office Department apparently will not permit the sale of this product in any manner which can benefit from the advertising heretofore employed by the Congoin Company. Further, it was found that instead of employing the name "Quality Food Company" as described by the Lockwood-Shackleford Company, the assignees are using instead the name "Popular Food Products Company, successor to the Congoin Company."

JAMES W. BALDWIN,
Managing Director.

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tensively used in homes to reproduce sound mechanically from records designed for use on such instruments, i. e., ordinary phonograph records, or to use the language of the Act, 'records for phonographs.'

"There is strong and ample judicial authority for the view that for the purposes of the excise tax the Bureau should ascertain the commercial significance of the words 'records for phonographs' and construe them accordingly. (*American Net & Twine Co.* v. *Worthington,* 141 U. S., 468; *Sonn* v. *Magone,* 159 U. S., 417; *Philadelphia Storage Battery Co.* v. *Lederer,* 21 Fed. (2d), 320.) From evidence submitted it is obvious that in the industry concerned a very definite distinction is made between phonograph records and electrical transcriptions and that the latter are not commercially known as 'records for phonographs.'

"The phrase 'records for phonographs' used in the Act also indicates that *use* is the criterion. In other words, not all records are taxable but only those *for phonographs.* The courts have frequently had occasion to determine tax questions which turn on the use of the article to be taxed. A long line of cases has consistently held that where use is the criterion, the chief use of an article, not the exclusive use, controls. The leading case on this point is *Magone* v. *Wiederer* (159 U. S., 555). Applying this principle to the present inquiry, it is clear that the chief use of phonograph records or 'records for phonographs' is in connection with those instruments which are technically, commonly, and commercially known as phonographs and the fact that phonograph records are also used for broadcasting purposes does not change the nature of their chief use.

"In view of the foregoing, it is held that electrical transcriptions for broadcasting purposes and motion-picture records of the 'sound-on-disk' type are not 'records for phonographs' within the meaning of section 607 of the Revenue Act of 1932 and are not subject to tax under that section. Those records which are commonly and commercially known as phonograph records, even though they are frequently played over the radio, are nevertheless 'records for phonographs' and are taxable as such.

"S. T. 550 (C. B. XI-2, 477) is revoked and S. T. 651 (C. B. XII-1, 399) is modified to accord with the views expressed herein."

RECOMMENDS DISMISSAL OF WBHS CASE

Broadcasting Station WBHS, Huntsville, Ala., applied to the Federal Communications Commission for a license renewal. The station operates on a frequency of 1200 kilocycles, 100 watts power and shares time with WFBC.

Examiner P. W. Seward, in Report No. I-133 has recommended that the application be dismissed. The Examiner states in his report that the case was heard and evidence submitted but on "November 7, 1935, a motion by the applicant was filed with the Examiner, asking permission to withdraw and dismiss the application."

STEWART ASKS CHAIN BROADCASTING SURVEY

At a recent meeting of the Federal Communications Commission en banc, the following motion by Commissioner Stewart was referred to the Broadcast Division for consideration and report to the Commission;

"I move that the Broadcast Division be directed to report to the Commission (a) whether in its opinion the Commission should adopt special regulations under section 303 (i) of the Communications Act for the regulation of chain broadcasting and (b) in the event that the adoption of such special regulations is believed by that Division to be desirable, the proposed text of such regulations.

"In support of the motion I wish to call attention to the following:

1. At the time it provided for clear channels (General Order No. 40, August 30, 1928) the Federal Radio Commission said: '* * * 40 channels will be assigned to stations with minimum power of 5,000 watts and a maximum to be determined by the Commission and announced with the allocation. On these forty channels only one station will be permitted to operate at any time during night hours, thus insuring clear reception of the station's program, up to the extreme limit of its service range.'
2. The following statement was made by the Federal Radio Commission on July 2, 1930: 'As amended, it (General Order No. 40) provides for a certain number of high power stations on interference-free channels to serve rural and sparsely settled areas over long distances under favorable conditions.'
3. The population and area of the United States dependent for broadcasting service at night on the secondary coverage of clear channel stations is shown on the following table:

Zone	*Percentage of population within secondary coverage*	*Percentage of area within secondary coverage*
First	24.0	57.3
Second	27.6	60.4
Third	56.8	70.4
Fourth	33.6	70.0
Fifth	35.4	90.38
United States	35.8	76.7

These figures are as of December 1933, but there has been little change in the situation since they were compiled.

4. The programs available at night to this 35.8% of the population of the United States who reside in 76.7% of its area are therefore those offered by clear channel stations; and their program selection is largely limited to those carried by such stations.
5. The present situation of clear channels (night time) with respect to chain programs is:

No. of clear channels	*No. with NBC Network stations*	*No. with CBS Network stations*	*No. with MBS Network stations*	*No. having no chain stations*
40	26[a,b]	12[b]	3[a]	1

[a] One station included on both NBC and Mutual.
[b] One channel has both CBS and NBC stations.

6. Duplication of programs on clear channel stations reduces the value of clear channels to persons dependent on secondary service (for whom the channels were set apart) and tends to defeat the announced purpose in the establishment of clear channels."

KDKA COPYRIGHT DECISION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Equity No. 3057

Olga Arline Jurasovic,

v.

National Broadcasting Company, Inc., and Radio Broadcasting Station KDKA

Findings of Fact, Conclusions of Law and Opinion

MC VICAR J.: October 29, 1935

The plaintiff, in her Bill of Complaint, prays for an injunction to restrain the defendants from infringing her copyright to a musical composition, also for an accounting. After hearing, the Court makes the following findings of fact and conclusions of law.

Findings of Fact.

1. The plaintiff is a citizen of the United States and a resident of New Brighton, County of Beaver, and State of Pennsylvania.

2. The defendant, the National Broadcasting Company is a corporation organized and existing under the laws of the State of Delaware, and a citizen of said State. The Radio Broadcasting Station KDKA is a subsidiary of the Westinghouse Electric and Manufacturing Company.

3. That plaintiff is the original composer of her composition "You Nasty Man," Exhibit "6."

4. The plaintiff began on her composition as early as November 15, 1933, and completed and performed the same musically as early as November 24, 1933.

5. That plaintiff duly deposited an unpublished copy of her composition entitled "You Nasty Man," like Exhibit "6," with the Register of Copyrights and was granted a certificate of copyright thereon on December 5, 1933, No. 79655.

6. Plaintiff sent a copy of her composition Exhibit "6" in a letter addressed to Joe Penner, to an address furnished by the plaintiff. She received a reply signed "Joe Penner" in which plaintiff was advised that, he, Penner, could not use the musical composition of plaintiff Exhibit "6."

7. That station KDKA was authorized and operated under the jurisdiction of National Broadcasting Company.

8. That for many months prior to October 18, 1933, and thereafter, Joe Penner had originated, and had been the first to use, and had made constant use of, the catch-phrase "Oh, you nasty man," in broadcasting his radio entertainment; that said catch-phrase had become very popular, particularly, because of the peculiar intonation used by said Penner, and had become identified with said Penner as his distinguishing mark, and had acquired a secondary meaning with the public as denoting Joe Penner's radio program.

9. That on or about November 12, 1933, plaintiff received the inspiration to write the lyrics of a musical composition and set music thereto and to entitle the same "You Nasty Man." That plaintiff had on said date heard said Joe Penner broadcast his radio entertainment, and had heard him use the catch-phrase "Oh, you nasty man," and said catch-phrase served as the inspiration to plaintiff for the writing and composition of her song; that after said date, plaintiff wrote the lyrics and composed the music of her song "You Nasty Man."

10. That plaintiff played her song at one or two private entertainments. That on or about December 2, 1933, plaintiff played her said song privately for the entertainment of her friends, among whom were: Grace McDanel, Iris Kaufman, Hannah Smith, Geraldine Smith and Florence Irwin, who testified on this trial as witnesses in her behalf.

11. That plaintiff's song was never published. That with the exception of one or two private performances given at parties which plaintiff attended and where she played her said song, the same was not performed for profit to the public; that plaintiff did not expend any monies to advertise her song; and her said song did not acquire any good-will, fame or celebrity; and no secondary meaning was ever attached to plaintiff's song, and plaintiff made no use of the title of her said song "You Nasty Man," and the said title did not become exclusively identified to the public with plaintiff's song; and there has been no exclusive and continued user, at any time, by plaintiff of the title of her said song.

12. That Irving Cæsar and Jack Yellen are authors of many years' experience and reputation, who have composed lyrics for musical compositions for many popular songs. Ray Henderson is a well-known composer, who has composed the music of many popular songs. All three have written and composed the lyrics and music, respectively, for successful musical comedies and stage productions.

13. That in the summer of 1933, one George White, a successful producer of musical plays, undertook to stage and produce a musical motion picture entitled "George White's Scandals," for the Fox Film Corporation, a prominent picture producing company, for representation on the screen.

14. That on October 18, 1933, said George White entered into a contract in writing with Irving Cæsar, wherein and whereby White employed Caesar to write the lyrics for said motion picture "George White's Scandals," and White, Cæsar, Yellen and Henderson worked on the script of said motion picture in October, 1933, and said script had a spot or cue at page 7 thereof, indicating that the song "Nasty Man," composed by Caesar, Yellen and Henderson, was to be sung at that point.

15. That prior to December 1933, Irving Caesar, in collaboration with Jack Yellen, wrote the lyrics for the musical compositions to be performed in the motion picture "George White's Scandals," and in particular, they wrote the lyrics of a musical composition to be performed in said motion picture, which they entitled "Nasty Man." That at said time said Ray Henderson composed the music for the musical compositions to be performed in said motion picture "George White's Scandals," and in particular, he collaborated with said Caesar and Yellen in composing the music of said musical composition "Nasty Man."

16. That the lyrics and music of said musical composition "Nasty Man" were, respectively, new and original with said Caesar, Yellen and Henderson, and said musical composition "Nasty Man" was a new and original work, and neither Caesar nor Yellen nor Henderson, in October of 1933, had ever seen or heard of the plaintiff's composition entitled "You Nasty Man."

17. That the song "Nasty Man" was completed by Caesar, Yellen, and Henderson prior to December 18, 1933.

18. That between October 18, 1933, and Easter Week of 1934, said motion picture "George White's Scandals" was produced by said White for the Fox Film Corporation, and during Easter Week of 1934, said picture was released for public exhibition by the Fox Film Corporation; that among the musical compositions performed in said picture was the musical composition "Nasty Man," written and composed by said Caesar, Yellen and Henderson, which was sung by an artist named Alice Faye; that said composition was designed to fit into the fabric of the manuscript of the picture.

19. That after the writing and composition of the musical composition "Nasty Man," said Caesar, Yellen and Henderson assigned to the Movietone Music Corporation their right, title and interest in said musical composition, together with the right to secure copyright therein; that on March 10, 1934, said Movietone Music Corporation published said musical composition "Nasty Man," and promptly after publication, said Movietone Music Corporation deposited two copies of said musical composition, having imprinted thereon, on the first page of music, the following notice: "Copyright 1934, by Movietone Music Corporation," with the Register of Copyrights, at Washington, D. C., together with a claim for copyright registration, and paid the fee required by law; and said Register of Copyrights thereupon registered said work for copyright and issued a certificate of registration thereof to said Movietone Music Corporation, which is now the proprietor of the copy-

right in said musical composition (Deft. Ex. "H," certificate of copyright registration of "Nasty Man").

20. That on or about February 25, 1934, the defendant herein, under license duly issued to them by the Movietone Music Corporation, performed said musical composition "Nasty Man" (copyrighted by Movietone Music Corporation) in the studio of the defendant KDKA, located at Pittsburgh, State of Pennsylvania. That said performance was by one Joe Penner, a well-known and popular radio entertainer, who sang said musical composition at said time and place. That said performance was broadcast over the air by said defendants at said time and place.

21. That the lyrics of the song "Nasty Man," copyrighted by the Movietone Music Corporation, have no substantial similarity to the lyrics of plaintiff's song, except that in each song the phrase "nasty man" or "oh, you nasty man" recurs a number of times.

22. That plaintiff never knew said Caesar, Yellen and Henderson or White or the Movietone Music Corporation, or had ever sent them or any of them a copy of her song, or in any way communicated with them in 1933; and said Caesar, Yellen, Henderson, White and Movietone Music Corporation, at no time, had any knowledge or information regarding plaintiff's song and were not aware of its existence, and had acquired no access thereto.

23. That the melody of plaintiff's song is not similar to the melody of the song "Nasty Man," copyrighted by the Movietone Music Corporation, either in the introduction, verse or chorus.

Conclusions of Law

1. That plaintiff has not made any use of the title "You Nasty Man," and said title has acquired no secondary meaning with respect to plaintiff's song, and she has acquired no exclusive right to the title "You Nasty Man," or any title similar thereto, for a musical composition.

2. That the defendants have not infringed upon the plaintiff's song "You Nasty Man."

3. The bill should be dismissed, plaintiff to pay the record costs.

Opinion

McVicar J.:

A discussion of the law on the subject whether the alleged infringing composition infringed the musical composition of the plaintiff as to lyrics or melody is not necessary in view of the Court's findings of fact. As I understand it, both parties agree that there would be no infringement if the Court's findings are correct. I am of the opinion from the evidence of the plaintiff, and the evidence of the defendants, and the playing of the two compositions in open Court on the piano, that the findings are sustained by the evidence.

Plaintiff and the authors of the alleged infringing composition seem to have produced their inspiration as to the title from the use of the words "Nasty Man" and "You Nasty Man" by Joe Penner on the radio for a considerable period of time before either composition was composed. The copyright laws do not extend to the title. Glaser v. St. Elmo, 175 Fed. 276; Weldon v. Dicks, L. R. 10 Ch. Dic. 247; Estes v. Williams, 21 Fed. 189; Harper v. Ranous, 67 Fed. 904; Corbett v. Purdy, 80 Fed. 901; Black v. Ehrich, 44 Fed. 793; Dicks v. Yates, L. R. 18 Ch. Div. 76; Osgood v. Allen, Fed. Cas. No. 10603; Copinger's Law of Copyright, 4th Ed., p. 64; 9 Cyc., p. 928.

Courts of equity, however, may protect the title on the theory of unfair competition. Robertson v. Berry, 60 Md. 591; Frohman v. Miller, 8 Misc. (N. Y.) 379; Broadhurst v. Nichol, Australia (N. S. W.) 37 R. 147. Such protection will not be afforded unless the title has acquired a secondary meaning. Broadhurst v. Nichol, supra; Columbia Mill Co. v. Alcorn, 150 U. S. 460; Caswell v. Hazard, 121 N. Y. 484. Priority in use is the test. George v. Smith, 52 Fed. 830. A mere deposit of the work and title in the office of the Register of Copyrights is not actual user. Dickey v. Mutual Film, 160 N. Y. Supp. 609; Benn v. Leclercq, 3 Fed. Cas. No. 1308.

Let a decree be prepared and submitted in accordance with the foregoing findings of fact, conclusions of law and this opinion.

ARIZONA TAX COMMISSION CONSIDERS RADIO BROADCASTING AN INTERSTATE TRANSACTION

The Arizona Tax Commission has advised Richard Lewis, Secretary, Arizona Association of Broadcasters, that radio broadcasting has been considered an interstate transaction and that there is no sales tax on radio broadcasting. The text of the letter addressed to the Arizona Tax Commission by the Arizona Association of Broadcasters and the letter received by Mr. Lewis from the State Tax Division follow:

"June 3, 1935.

"Arizona Tax Commission,
Phoeniz, Arizona.

"Gentlemen:

"The Arizona Association of Broadcasters respectfully calls your attention to the fact that after giving the matter considerable study, and holding a number of meetings and receiving the opinions of attorneys, they have reached the conclusion that Chapter 77, Session Laws, Twelfth Legislature, 1935, is unconstitutional insofar as it attempts to require licenses for broadcasting stations, and to impose a tax on so-called advertising revenue.

"Your attention is respectfully directed to Section 7 of the Act itself, wherein it is specifically set forth that the Act shall not be construed to apply to interstate commerce transactions.

"We invite your attention to the Federal statutes and regulations concerning broadcasting stations. By the law known as the 'Federal Radio Act of 1927', and the later act commonly called the 'Communications Act of 1934', broadcasting is brought within the jurisdiction of the Federal Communications Commission, and no station is allowed to operate without a Federal license. The station power, the permitted channels, the hours of operation—in fact, every step in connection with the operation of a broadcasting station, is specifically controlled by a Federal Communications Commission, acting under the laws above cited. Every radio broadcasting station receives a Federal license; every broadcasting station is required to accept and receive certain types and classes of broadcasting, to hold its station open for certain types of broadcasting, and is forbidden to broadcast certain matters forbidden by the Federal Communications Commission. In other words, every broadcasting station in Arizona operates under a Federal license, and under strict regulations specifying the manner in which it must operate, in detail.

"Without quoting from numerous cases, it can fairly be said that it has been the uniform rule of construction, in Federal as well as the State courts, that radio communication is interstate commerce. As you may know radio listeners in many parts of the country outside the State of Arizona receive programs from Arizona stations and many of these listeners depend for prime service on Arizona radio stations. Theoretically the waves travel and serve listeners unknown distances—certainly beyond the state lines of Arizona, and even into foreign countries. This has been pointed out over and over again in court decisions, and in 21 Fed. 2d, page 787, in the case of *Whitehurst v. Grimes,* the United States District Court of Kentucky said:

> "'Radio communications are all interstate. This is so, though they may be intended only for intrastate transmission.'

"The Supreme Court of the United States, in *Radio Commission v. Nelson Bros.,* 289 U. S. 266, among other things said:

> "'No state lines divide radio waves. National regulation is not only appropriate, but essential.'

"In another case, *American Bond and Mtg. Co. v. U. S.,* 52 Fed. 2d, 318, the Federal Court held that the power to regulate broadcasting stations was within the express, delegated power to Congress to regulate interstate commerce.

"We speak for all the broadcasting stations in Arizona. The issue here presented seems so clear that it should be unnecessary to force us to the expense of testing this matter in court. Today, and in the future, the people of the State of Arizona, will continue to find greater need for our broadcasting stations, and bear in mind, that if any broadcasting station in Arizona is compelled to close, it does not mean only that some small individual or company has failed financially, but it means that broadcasting in Arizona has lost just that much of its actual rights. The various channels in broadcasting which have been assigned to the United States of America are already overfilled. Shortly it will be utterly impossible for a new station to secure a Federal license by reason of crowded channels. We believe that our position in this matter is not only absolutely just and in accordance with the laws under which we operate, but we believe that in all fairness, the Commission should decide this matter without making it necessary to resort to litigation.

"We request your careful consideration of this matter.

Very truly yours,

Arizona Association of Broadcasters,
By (Signed) Earl Neilsen,
President."

"October 21, 1935.

"Richard Lewis,

Secy. Arizona Association of Broadcasters,
C/o KTAR,
Phoeniz, Arizona.

"My dear Mr. Lewis

"Please be advised that radio broadcasting has been considered by the State Tax Commission an interstate transaction. Therefore, there is no sales tax on radio broadcasting.

Very truly yours,

(Signed) A. L. Frees,
ALF/G Director Sales Tax Division."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2602. Unfair competition through use of false, fictitious and inflated price marks is alleged in a complaint against **Englander Spring Bed Company, Inc., of Chicago, Boston and Brooklyn.** This practice tended to unfairly divert trade from competitors, according to the complaint.

No. 2603. Unfair competition in the sale of cigars is alleged in a complaint issued against **El Moro Cigar Company, of Greensboro, N. C.,** a manufacturer selling and distributing to dealers in various parts of the United States, but particularly in North and South Carolina, Georgia, Florida, Virginia and Maryland.

According to the complaint, the respondent labeled its cigars as "Havana Counts" when they did not contain tobacco grown on the island of Cuba, and as "Rees' Famous Take-Outs" when they were not that type of cigar commonly known as a "throw-out" or "take-out," but, according to the complaint, were manufactured from a grade of "scrap" tobacco to be sold at two for five cents, in simulation of a throw-out or take-out.

No. 2604. Selling incandescent lamps for general lighting purposes, the **Lednew Corporation, of New York City,** is charged in a complaint with misrepresenting the number of watts and the amount of lumens of light produced by its lamps. This had a tendency to deceive wholesale and retail dealers and the consuming public, and to unfairly divert trade to the respondent's competitors, according to the complaint.

No. 2605. A complaint has been issued against **Acme Cotton Products Co., Inc.,** of 245 Fifth Avenue, **New York City,** alleging unfair representation in the sale of absorbent cotton, in that its product was advertised as "Sterilized," "Aseptic," or "Purified," when in fact it was not free of bacteria at the time of final packaging. This practice was alleged to be unfair competition with manufacturers who truthfully represent their products.

No. 2606. Unfair competition in the sale of candy through placing in the hands of others the means of conducting lotteries, is alleged in a complaint against **Savage Candy Company, of Denver, Colo.**

The respondent is given until Friday, December 6, to show cause why the Commission should not issue against it an order to cease and desist from the practices alleged.

No. 2607. Alleging the use of a lottery scheme in selling radio sets, fountain pen and cocktail sets and other merchandise, a complaint has been issued against **J. K. Levy,** alias **J. K. Lee,** and **David Levy,** co-partners, of 130 North Wells Street, **Chicago,** trading as **Levore Company,** and **J. K. Levy,** alias **J. K. Lee,** individually.

The complaint says the Levore Company represented that distributing agents could make big money "giving away these wonderful radios," but that in fact the respondent did not give away radios or any merchandise.

No. 2608. A complaint has been issued against **Hec Barth, of Chicago,** a dealer in beautifying preparations, trading as Hec Barth Laboratories and Dark Eyes Laboratories.

The respondent is allaged to have represented that he owned and operated a laboratory, and that the product he sold gave permanent beauty, and was a permanent darkener and was safe and harmless to use, when, in fact, according to the complaint, these assertions were not true.

No. 2609. Alleging unfair competition in the sale of trousers, a complaint has been issued against **Stetson Pants Co.,** 212 East Eighth Street, **Cincinnati.**

Among practices alleged are representations that the company's merchandise goes directly from the manufacturer to the purchaser, when in fact the company is not a manufacturer but purchases its merchandise from manufacturers; also representations indicating the acquisition of good will and merchandising experience by the respondent, when in fact, according to the complaint, the company had not been in corporate existence more than four and a half months.

No. 2610. Unfair representations in the sale of cast stones used as monuments and tombstones is alleged in a complaint issued against **Granite Arts, Inc., of Omaha, Nebr.**

Among the unfair representations alleged are: Advertisement of the company's products as composed of granite, when in fact, according to the complaint, they were manufactured by the company from cement and other ingredients; and the giving of an alleged fictitious address, "Graniteway, Omaha," having a tendency to add to the deception caused by the respondent's misuse of the word "granite."

No. 2613. Conspiracies to fix prices and obstruct commerce in the candy trade in New York and Pennsylvania and other connected territory are alleged in a complaint issued against the **New York State Wholesale Confectionery Associations, Inc.,** with headquarters in **Syracuse,** and eight local and regional member associations, also the **Empire State Candy Club, Inc.,** an organization of candy brokers and agents with headquarters in Utica, and the officers and members of all these associations, totaling more than 700 respondents.

Regional or local associations named as respondents are: Rochester Area Wholesale Confectioners Association, Rochester; Capital District Wholesale Confectionery Association, Inc., Troy; Mohawk Valley Wholesale Confectioners Association, Utica; Central New York Wholesale Confectionery Distributors, Inc., Syracuse; Northern New York Wholesale Confectioners Association, Inc., Watertown; Hudson Valley Candy Distributors Association, Newburgh; Southern Tier Candy Distributors Association, Wellsboro, Pa.; and Greater Buffalo Wholesale Confectioners Association, Inc., Buffalo.

The complaint charges the regional or local associations with carrying out agreements, combinations and conspiracies among themselves to prevent competing dealers from obtaining candy and allied products directly from the manufacturers and to establish themselves as a class of "recognized" wholesalers, distributors and brokers. The association respondents are alleged to have fixed and established uniform prices at which their members should sell their products and to have sought to prevent others from selling at less prices.

Stipulations

The Commission has announced the following cease and desist orders:

No. 0953. Inthol Company, Inc., New York City, selling a product offered as a remedy for sinus trouble, athlete's foot, neuralgia and other diseases, agrees to stop asserting that it is a penetrating antiseptic or a competent treatment or effective remedy for sinus, or that it will either rid one of athlete's foot or cure that disease. The company will no longer represent that Inthol is an effective remedy for head or chest congestion, or for various types of neuralgia.

No. 0954. Goldban Pharmacal Company, Camden, N. J., stipulates that it will stop advertising its treatment for rheumatism, indigestion and neuritis, known as "Carolac," as a scientifically compounded system purifier and tonic builder, and its cough treatment, known as "Tarpinod," as an effective remedy for coughs or as guaranteed to break up a cold in 24 hours or to stop a cough. Medical opinion furnished the Commission was to the effect that these products would not do the things claimed for them in the advertising.

No. 0955. Reinhold Von Rosen Company, Inc., Washington, D. C., will cease asserting that its skin ointment, "Von-Ema," is a competent treatment for athlete's foot, ringworm, or eczema, unless the assertion is limited in application to the relief of itching and burning caused by these ailments, and will discontinue advertising Von-Ema as a competent treatment for dandruff and falling hair, or asserting that it will stop, cure, arrest or prevent any skin disorder.

No. 0956. Earle Chemical Company, Wheeling, W. Va., selling a medication known as "Robene," offered as a treatment for foot troubles and as a pain killer. agrees to stop representing the preparation as affording lasting relief from perspiring feet, foot odors or burning feet. The company agrees to cease representing the product as highly penetrating or as a guaranteed product, or that it will bring instant relief from all pains or afford sure relief from all pain, or that it instantly kills pains of rheumatism, neuralgia, neuritis, headache, aching joints or sore muscles. According to medical opinion furnished the Commission, the claims made by this respondent exceed the therapeutic value of the preparation.

No. 0957. Koskott Company, New York City, selling preparations for treatment of the hair and scalp and for coloring the hair, agrees to stop representing that any of its preparations is an effective treatment for thinning or falling hair, or that the use thereof will prevent hair from falling or being brushed or combed from the head, unless the advertising assertion is limited in reference to excessive thinning and excessive falling of the hair. Other similar representations will be discontinued.

No. 0958. Carleton & Hovey Co., Lowell, Mass., distributors of "Father John's Medicine," agrees to stop representing it as an effective therapeutic remedy for colds, coughs or throat troubles; it being understood that this agreement will not prevent the respondent from advertising the preparation as a treatment for colds, coughs due to colds or minor throat troubles. Father John's Medicine also will not be represented as effective in the treatment of colds, except by providing the beneficial effects of Vitamin A. Other representations will be discontinued.

No. 0959. Smith Brothers, Inc., Poughkeepsie, N. Y., selling Smith Brothers' Cough Syrup and Smith Brothers' Cough Drops, stipulates that it will cease advertising the drops or the cough syrup as effective remedies for treatment of colds or that either preparation has a unique advantage over other remedies due to Vitamin A content.

No. 0960. Dr. Louis L. Sherman, operating as "Clinic of the Air," Oakland, Calif., and dealing in a list of preparations including "Liquid Ferrolax," "Calwhey," and "Red Label Enterel," agrees to cease advertising that these preparations or any combination thereof constitute a competent treatment or effective remedy for any of a list of twenty-eight diseases ranging from acidosis, anemia, and biliousness to rheumatism, spastic colon and tuberculosis. The respondent agrees also not to represent Calwhey as raising resistance or as assisting in eliminating poisons through the kidneys, and to cease asserting that by hundreds of tests Calwhey is known to be effective in changing the intestinal flora. Numerous other representations of these preparations will be discontinued, according to the stipulation.

No. 2361. Misrepresentations in the sale of perfume in interstate commerce are prohibited as an unfair method of competition in a cease and desist order issued against **Leading Perfumers & Chemists, Inc., of New York City.**

The order bans the advertising or labeling of perfume made in the United States by use of the term "Fleur de Matin-Cartel" or any other French words indicating that the product had been manufactured in France and imported into this country, when this was not true.

No. 2482. The **United Artists and Engravers Guild, Inc., of Chicago,** has been ordered to cease and desist, in the sale of social and business stationery products, from using the word "Engravers" in its corporate name or advertising matter, until and unless it actually owns or controls a plant in which those of its stationery products that are produced by the engraving process are actually engraved.

The order also prohibits use of the phrase "Process Engraved" or the words "Engraved" and "Engraving" alone or in connection with other words in advertisements or trade literature, to describe stationery, the lettering or inscriptions of which have not been produced by the engraving process but by printing from inked typed faces, the designs of which have been given a raised letter effect by application of a chemical in powder form to the ink while still wet, and subjected to heat.

No. 2493. An order has been issued against the **Robert More Company, of Chicago,** directing it to discontinue unfair trade practices in the sale of merchandise.

This company sells and distributes salves, Christmas seals and miscellaneous merchandise on a "return or remit" plan, under which agents are furnished with the merchandise to be sold and are allowed thirty days to sell it and remit to the respondents the agreed portion of the selling price or to return the unsold portion of the merchandise.

No. 2503. B. F. Huntley Furniture Company, of Winston-Salem, N. C., has been ordered to cease and desist from advertising that furniture made by it, but not from wood derived from the walnut tree family, is "walnut" or "oriental walnut."

The respondent is ordered to cease using the word "walnut" either independently or in connection with the word "oriental" so as to imply that its furniture is made, either in whole or in part, from trees of the walnut family, when this is not true.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, November 18, 1935

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license, **1440 kc.,** 1 KW, shares with WSAN. Present assignment: **1440 kc.,** 250 watts (S.A. 500 watts), shares with WSAN.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license, **1440 kc.,** 1 KW, shares with WCBA. Present assignment: **1440 kc.,** 250 watts (S.A. 500 watts), shares with WCBA.

Wednesday, November 20, 1935

NEW—Steel City Broadcasting Co., Pittsburgh, Pa.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Geo. E. Carter and Homer G. Wolfe and Clara I. Knight, partners, d/b as Carter & Wolfe, Mansfield, Ohio.—C. P., **1370 kc.,** 50 watts, 100 watts LS, unlimited time.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—C. P., **1120 kc.,** 250 watts, daytime.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—C. P., **1340 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **1340 kc.,** 1 KW, 2½ KW LS, unlimited time.

NEW—Steel City Broadcasting Co., Pittsburgh, Pa.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Geo. E. Carter, Homer G. Wolfe and Clara I. Knight, partners, d/b as Carter & Wolfe, Mansfield, Ohio.—C. P., **1370 kc.,** 50 watts, 100 watts LS, unlimited time.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—C. P., **1340 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **1340 kc.,** 1 KW, 2½ KW LS, unlimited time.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Renewal of license, **1340 kc.,** 500 watts, 1 KW LS, unlimited time.

Thursday, November 21, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-62:

KALE—KALE, Inc., Portland, Ore.—Modification of license, **1250 kc.,** 500 watts, unlimited time. Present assignment: **1300 kc.,** 500 watts, specified hours.

Examiner's Report No. I-93:

NEW—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—C. P., **1140 kc.,** 500 watts, limited time.

Examiner's Report No. I-92:

WMBC—Michigan Broadcasting Co., Detroit, Mich.—C. P., **1300 kc.,** 500 watts, unlimited time. Present assignment: **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

WHBL—Press Publishing Company, Sheboygan, Wis.—Modification of license, **1300 kc.,** 250 watts, unlimited time. Present assignment: **1410 kc.,** 500 watts, shares with WROK.

Examiner's Report No. I-72:

NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex.—C. P., **1420 kc.,** 100 watts, daytime.

NEW—Eugene DeBogory, tr/as Brownsville Broadcasting Co., Brownsville, Tex.—C. P., **1370 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-64:

NEW—Centennial Broadcasting Corp., Dallas, Tex.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—Eugene DeBogory and Mildred English, d/b as Dallas Broadcasting Co., Dallas, Tex.—C. P., **1500 kc.,** 100 watts, daytime (specified hours at night).

NEW—Eugene DeBogory, tr/as Paris Broadcasting Co., Paris, Tex.—C. P., **1500 kc.,** 100 watts, daytime.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Modification of license, **1500 kc.,** 100 watts, unlimited day, specified hours night from LS to 8 p. m. Present assignment: **1500 kc.,** 100 watts, specified hours.

APPLICATIONS GRANTED

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted C. P. to make changes in equipment.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Granted modification of C. P. to extend completion date to 12-15-35.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted modification of C. P. to make further changes in equipment.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted license to cover C. P. authorizing new equipment, increase in power, and move of transmitter; **1430 kc.**, 500 watts night, 1 KW day, unlimited.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted C. P. to install new equipment.

WCAM—City of Camden, N. J.—Granted authority to determine operating power by direct measurement of antenna.

KGDM—E. F. Peffer, Stockton, Calif.—Granted license to cover C. P. authorizing installation of new equipment and moving studio locally, and increase in power to 1 KW; **1100 kc.**, daytime.

KRNR—Southern Ore. Publishing Co., Roseburg, Ore.—Granted modification of C. P. approving transmitter site and antenna.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted license to cover C. P. authorizing local move of transmitter and changes in equipment; **1290 kc.**, 1 KW night, 2½ KW day, unlimited.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted license to cover C. P. authorizing changes in equipment, increase in day power to 250 watts and time of operation from daytime and S.H. on Sunday to daytime only; **1370 kc.**, 250 watts.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted license to cover C. P.; **1290 kc.**, 1 KW night, 5 KW day, unlimited.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Granted modification of license to increase specified hours of operation.

KELD—T. H. Barton, El Dorado, Ark.—Granted modification of license to move studio from Exchange Building to Country Club Colony, El Dorado, 1½ miles north of El Dorado.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to install automatic frequency control.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted renewal of license, **1280 kc.**, 500 watts, divides time WCAM and WCAP.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—C. P. in hearing docket amended and granted to install new equipment and increase power from 250 to 500 watts; **880 kc.**, S-WQAN.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Granted consent to voluntary assignment of license to Central States Broadcasting Co. Also granted renewal of license for the regular period; **1260 kc.**, 1 KW night, 2½ KW day, unlimited.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Granted consent for transfer of control of WLBF Broadcasting Co. from J. Herbert Hollister to the Kansas City Kansan, Arthur Capper, owner and publisher.

WTAX—WTAX, Inc., Springfield, Ill.—Granted renewal of license, **1210 kc.**, 100 watts, unlimited time.

W4XBM—WPTF Radio Co., Portable-Mobile, Raleigh, N. C.—Granted license to cover C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600, 86000-400000 kc.**, 15 watts.

WKBF—The Evening News Assn., Aboard Aircraft NC-799-W.—Granted modification of license (temporary broadcast pickup) to add frequencies **1606, 2020, 2102, 2760 kc.** and delete **2150 kc.** Also granted renewal of license in accordance with modification.

KIIS—Harris County Broadcast Co., Portable (Houston, Tex.).—Granted modification of license (temporary broadcast pickup) to add frequencies **2060, 2790 kc.**; also granted renewal of license in accordance with modification.

KIEG—Seattle Broadcasting Co., Portable (Seattle, Wash.).—Granted modification of license (temporary broadcast pickup) to add frequencies **1646, 2090, 2190, 2830** and delete **1622** and **2150 kc.**; also granted renewal of license in accordance with modification.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of license (temporary broadcast pickup) to add frequency **1606 kc.**; also granted renewal in accordance with modification.

KIFF—Missouri Broadcasting Co., Portable (St. Louis, Mo.)—Granted modification of license (temporary broadcast pickup service) to add frequencies **2060, 2790 kc.**; also granted renewal in accordance with modification.

KIEF—Seattle Broadcasting Co., Portable (Seattle, Wash.)—Granted modification of license (temporary broadcast pickup) to add frequencies **1646, 2090, 2190, 2830 kc.** and delete **1622, 2150 kc.**; also granted renewal of license in accordance with modification.

W3XE—Philadelphia Storage Battery Co., Philadelphia, Pa.—Granted consent to assignment of license to Philco Radio & Television Corp.

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—Granted C. P. (exp. spec. exp. service), frequencies **42000-56000, 60000-86000 kc.**, 250 watts.

NEW—Don Lee Broadcasting System, Portable-Mobile (San Francisco).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 100 watts.

ACTION ON EXAMINERS' REPORTS

KMAC—Ex. Rep. No. 1-44: W. W. McAllister, San Antonio, Tex.—Denied special experimental authority to move transmitter, make changes in equipment, change frequency from **1370 kc.** to **940 kc.**, change power from 100 watts to 1 KW, and change hours of operation from sharing with KONO to unlimited. Examiner Melvin Dalberg sustained. Order effective December 17, 1935.

KFYO—T. E. Kirksey, tr/as Kirksey Bros., Lubbock, Tex.—Denied C. P. to install new equipment; change frequency from **1130 kc.** to **940 kc.**; and increase power from 100 watts night, 250 watts LS, to 500 watts. Examiner Dalberg sustained. Order effective December 17, 1935.

KGKL—KGKL, Inc., San Angelo, Tex.—Denied C. P. to move transmitter; increase power from 100 watts night, 250 watts LS, to 500 watts night, 1 KW LS; change frequency from **1370 kc.** to **940 kc.**; and make changes in equipment. Examiner Dalberg sustained. Order effective December 17, 1935.

WSAR—Ex. Rep. No. 1-106: Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted C. P. to make changes in equipment and increase power from 250 watts to 1 KW; **1450 kc.**, unlimited time. Examiner Dalberg sustained. Order effective December 17, 1935.

WWAE—Ex. Rep. 1-118: Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted renewal of license, **1200 kc.**, 100 watts, share time with WFAM. Examiner R. H. Hyde sustained. Order effective January 7, 1936.

SET FOR HEARING

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Application for C. P. to make changes in equipment and increase day power from 500 watts to 1 KW.

WDEV—Harry C. Whitehill, Waterbury, Vt.—Application for C. P. to make changes in equipment, increase power from 500 watts daytime to 1 KW daytime.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Application for modification of license to change frequency from **1200 kc.** to **1370 kc.**, change hours of operation from sharing WJBC to unlimited.

NEW—Henry William Turkel, Los Angeles, Calif.—Application for C. P. for new experimental relay broadcasting station, **6040 kc.**, 1 KW, unlimited.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Application for C. P. to install new equipment, change frequency from **1310 kc.** to **1350 kc.**, increase power from 100 watts to 1 KW.

NEW—Jesse H. Jay, Miami Beach, Fla.—Application for C. P. for new station, **1500 kc.**, 100 watts, unlimited.

NEW—Alex F. Suss, Marysville, Calif.—Application for C. P. **1210 kc.**, 100 watts, unlimited time. Site to be determined subject to approval of Commission.

NEW—Symons Investment Co., Seattle, Wash.—Application for C. P., **760 kc.**, 250 watts night, 500 watts day, limited time, site to be determined; facilities of KXA.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Application for C. P. for new station, **1270 kc.**, 250 watts, daytime, site to be determined subject to approval of Commission.

WHBI—May Radio Broadcast Corp., near Carlstadt, N. J.—Application for modification of license to increase power from 2½ to 5 KW.

NEW—Cache Valley Broadcasting Co., Logan, Utah.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

NEW—Herbert Hollister, Waterloo, Iowa.—Application for C. P. for new station, **1420 kc.**, 100 watts, unlimited, site to be determined.

NEW—Bismarck Tribune Co., Bismarck, N. Dak.—Application for C. P. for new station, **550 kc.**, 1 KW night, 5 KW day, unlimited, site to be determined.

NEW—Fred A. Baxter, Superior, Wis.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited, site to be determined.

WMEX—The Northern Corp., Boston, Mass.—Application for C. P. to install new equipment; chanpe frequency from **1500 kc.** to **1470 kc.**; increase power from 100 watts night, 250 watts day, to 5 KW night and day; move transmitter to site to be determined.

WNBC—William J. Sanders, New Britain, Conn.—Application for consent to voluntary assignment of license to State Broadcasting Corp.

WBSO—Broadcasting Service Org., Inc., Needham, Mass.—Application for consent to transfer of control of station WBSO (licensed to Broadcasting Service Org., Inc.) from Babson's Statistical Organization, Inc., to George A. Crockwell, William H. Eynon, and James K. Phelan.

NEW—J. W. Birdwell, Johnson City, Tenn.—Application, already in hearing docket, amended to read: **1370 kc.**, 100 watts, unlimited time, site to be determined subject to approval of Commission.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license, already in hearing docket, amended to read: Change frequency from **1270 kc.** to **920 kc.**, contingent upon the granting of KOMO's application for **760 kc.**; increase power (day) from 2½ KW to 5 KW.

NEW—C. G. Hill, Geo. D. Walker, Susan H. Walker, Winston-Salem, N. C.—Application for C. P. for new station, **1250 kc.**, 250 watts daytime, site to be determined subject to approval of Commission.

WNOX—WNOX, Inc., Knoxville, Tenn.—Application for consent to voluntary assignment of license to Continental Radio Co.

NEW—Fresno Broadcasting Co., Fresno, Calif.—Application for C. P. for new station, **1410 kc.**, 500 watts night, 1 KW day, unlimited time.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-55: Riverside Broadcasting Co., Riverside, Calif.—Granted oral argument to be held on February 6, 1936.

NEW—Ex. Rep. 1-114: A. Tornek, d/b as Metro Broadcasting Co., Los Angeles, Calif.—Granted oral argument to be held on February 6, 1936.

NEW—Ex. Rep. 1-117: Wayne Broadcasting Co., Hamtramck, Mich.—Granted oral argument to be held on February 6, 1936.

NEW—Ex. Rep. 1-116: Knox Broadcasting Co., Inc., Schenectady, N. Y.—Granted oral argument to be held on November 27, 1935.

MISCELLANEOUS

City of Jacksonville, Fla.—Granted petition to intervene and be made a party to hearing in re application of A. O. Jenkins for new station at Jacksonville to operate on **1200 kc.**, 250 watts night, 500 watts day, unlimited.

Port Huron Broadcasting Co., Port Huron, Mich.—Denied petition to intervene at hearing of application of Wayne Broadcasting Co. for permit to erect new station at Hamtramck, Mich., to operate on **1370 kc.**, 100 watts, daytime.

Edward Hoffman, St. Paul, Minn.—Granted petition requesting continuance of hearing of application of Emmons L. Abeles and Robert J. Dean, d/b as Wise Broadcasting Corp., for new station at St. Paul, Minn., to operate on **630 kc.**, 250 watts, unlimited. This hearing was scheduled for December 5, 1935.

WCBA and WSAN, Inc., Allentown, Pa.—Hearing scheduled for November 18, 1935, on application for increase in power from 250 watts to 1 KW, postponed indefinitely.

Emmons L. Abeles & Robert J. Dean, d/b as Wise Broadcasting Co., St. Paul, Minn.—Granted petition to take depositions in re application for new station at St. Paul, Minn.

KLO—Interstate Broadcasting Corp., Ogden, Utah—Denied petition asking postponement of hearing to December 10, 1935, of application for increase in operating power. Hearing to be held Nov. 26 as originally scheduled.

St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition requesting amendment to application for new station so as to request daytime operation only, with 100 watt power, on **1420 kc.** Also denied request asking Commission to grant without hearing, the amended application.

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Granted petition to reconsider and grant application for renewal of license designated for hearing Nov. 14, 1935.

WJAS—Pittsburgh Radio Supply Co., Pittsburgh, Pa.—Denied petition asking Commission to reconsider and grant application for increase in day power from 2.5 KW to 5 KW.

WIRE—Indianapolis Broadcasting Co., Indianapolis, Ind.—Denied petition asking Commission to reconsider and grant its application for authority to make changes in equipment; erect a new directional antenna and increase power from 1 KW to 5 KW, daytime operation.

Ralph E. Smith, San Diego, Cal.—Denied petition asking Commission to reconsider and suspend grant of authority to Pacific Acceptance Corp., for erection of new station at San Diego to operate on **1200 kc.**, 100 watts, daytime, effective Dec. 10, 1935.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Essex Broadcasters, Inc., Detroit, Mich.—Authority to transmit sustaining programs from Detroit over station CKLW, Windsor, Canada.

NEW—Whittle Furniture Co., Inc., Brunswick, Ga.—C. P. **1200 kc.**, 100 watts, unlimited time.

NEW—W. H. Kindig, Hollywood, Cal.—C. P. **1160 kc.**, 5 KW, unlimited time.

NEW—J. W. Stanford, d/b as Brunswick B/C Co., Brunswick, Ga.—C. P. **1310 kc.**, 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

1270 WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover construction permit (B1-P-847).

1370 WB10Y—Roy L. Albertson, Buffalo, N. Y.—Modification of construction permit (B1-P-402) for approval of antenna and transmitter at Kenmore Ave., 250 feet east of Starin Ave., Buffalo, New York, and studio at 485 Main St., Buffalo, New York.

NEW—Mary M. Whitehill, Executrix of the Estate of Harry C. Whitehill, Waterbury, Vt.—Involuntary assignment of license from Harry C. Whitehill to Mary M. Whitehill, Executrix of the Estate of Harry C. Whitehill.

Second Zone

1370 NEW—Harmon LeRoy Stevens & Herman LeRoy Stevens, d/b as The Port Huron Broadcasting Co., Port Huron, Mich.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, daytime.

1410 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Construction permit to install new equipment, increase power from 250 watts, 500 watts day to 500 watts, 1 KW day and move transmitter from West Virginian Hotel, Federal Street, Bluefield, West Virginia, to near Bluefield, West Virginia.

1450 WJIM—Harold F. Gross, M. Bliss Keeler & L. A. Versluis, d/b as Capitol Broadcasting Co., Lansing, Mich.—Construction permit to install new equipment, increase power from 100 watts, 250 watts day to 500 watts, 1 KW day, change frequency from **1210 kc.** to **1450 kc.** Requests frequency of WGAR if and when WGAR's application requesting facilities of WMMN is granted. Amended: To make changes in antenna, change frequency from **1450 kc.** to **1010 kc.**, and omit request for WGAR's frequency.

W8XEJ—WBNS, Incorporated, Portable-Mobile—License to cover construction permit for a new general experimental station.

W8XEI—WBNS, Incorporated, Portable-Mobile—License to cover construction permit for a new general experimental station.

W10XGB—Miami Valley Broadcasting Corp., Portable-Mobile—License to cover construction permit for a new general experimental station.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit to increase power to 10 KW.

Third Zone

680 WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental authorization to operate with 5 KW power from 9:00 p. m. to 7:00 a. m., EST, using both directive and non-directive antenna to 2-1-36.

680 WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to move auxiliary transmitter from 400 Fayetteville St., Raleigh, North Carolina, to Cary, North Carolina. (Same site as regular transmitter.)

950 NEW—Memphis Commercial Appeal, Inc., Mobile, Ala.—Construction permit for a new station to be operated on **950 kc.**, 1 KW night, 5 KW day, unlimited time—using directional antenna at night. Amended: To change power from 1 KW night, 5 KW day to 5 KW day and night.

950 NEW—Memphis Commercial Appeal, Inc., Mobile, Ala.—Construction permit for a new station to be operated on **950 kc.**, 1 KW, 5 KW local sunset, unlimited time, using directional antenna at night.

1200 NEW—Jefferson Broadcasting Co., Ormond O. Black, President, Birmingham, Ala.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, 250 watts local sunset, unlimited time.

1310 WAML—Southland Radio Corp., Laurel, Miss.—Voluntary assignment of license from Southland Radio Corp. to New Laurel Radio Station, Inc.

1310 WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—License to cover construction permit (B3-P-376) as modified for new station on **1310 kc.**, 100 watts, unlimited time. Amended: To make changes in equipment (antenna ammeter).

1330 NEW—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Construction permit for a new station to be operated on **880 kc.**, 250 watts night, 500 watts day, unlimited time. Amended: To change frequency from **880 kc.** to **1330 kc.**

1420 NEW—Nathan N. Bauer, Miami, Fla.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

1500 KNEL—G. L. Burns, Brady, Tex.—License to cover construction permit (B3-P-212) as modified for a new station to be operated on **1500 kc.**, 100 watts, daytime.

1570 KLUF—Geo. Roy Clough, Galveston, Tex.—Extension of special experimental authorization to operate on 100 watts, 250 watts day for period from 1-1-36 to 7-1-36.

Fourth Zone

1310 KGBX—KGBX, Incorporated, Springfield, Mo.—Extension of special experimental authorization to operate on **1230 kc.**, 500 watts power, unlimited time, using directional antenna at night, for period from 2-1-35 to 6-1-36.

1310 KGBX—KGBX, Incorporated, Springfield, Mo.—Voluntary assignment of license from KGBX, Inc., to Springfield Broadcasting Co.

1350 KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to install new equipment, move transmitter from Simmons Ave. & Belva Ave., Kirkwood, Missouri, to five-tenths of a mile southwest of the intersection of the St. Louis Water Works Railroad and the main line of Burlington Railroad, three-tenths of a mile due southeast of North City limits, two-tenths of a mile due east of Broadway at intersection of Riverview Drive, St. Louis, Missouri.

1440 WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of construction permit authorizing move of transmitter and changes in equipment, requesting approval of antenna and transmitter site between Peoria and Pekin, Illinois, make changes in equipment, extend commencement date to 30 days after grant and completion date to 180 days thereafter.

1500 NEW—Robert Raymond McCulla, Oak Park, Ill.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time.

1500 NEW—The Steffen Ice & Ice Cream Co., Wichita, Kans.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time.

KIGA—National Battery Broadcasting Co., Minneapolis, Minn.—Modification of license to delete frequencies **1606**, **2102 kc.**, and add frequencies **1622**, **2060**, **2150** and **2790 kc.**

NEW—National Battery Broadcast Co., Portable-Mobile—Construction permit for a new station on **1622**, **2060**, **2150**, **2790 kc.**, 25 watts. (Broadcast pickup.)

570 KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Construction permit to move transmitter from near Des Moines, Wash., to site to be determined, make equipment changes and increase day operating power from 1 KW to 5 KW. Amended: To change transmitter site from site to be determined, Wash., to 10 miles north of Tacoma, King County, Tacoma, Wash.

1200 NEW—Tulare-Kings Counties Associates, Charles A. Whitmore, President, Visalia, Calif.—Construction permit for a new station to be operated on **1200 kc.**, 250 watts, daytime. Amended: To change frequency from **1200 kc.** to **1190 kc.**, and transmitter from site to be determined to 1½ miles South of Visalia, California.

1310 NEW—Howard N. Mitchell, Sacramento, Calif.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended: To change transmitter site from 5th and J Streets to site to be determined, Sacramento, California.

1320 KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii—Authority to transfer control of corporation from J. L. P. Robinson to Pacific Theaters & Supply Co., Ltd., 85%.

1330 KGB—Don Lee Broadcasting System, San Diego, Calif.—Modification of construction permit (5-P-B-3223) to install new equipment and increase power, requesting extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

1390 KRLC—H. E. Studebaker, Lewiston, Idaho—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts, change frequency from **1420** to **1390 kc.** Consideration under Rule 6 (g). Amended: To change transmitter site from Lewis & Clark Hotel, 2nd Ave. & Main St., Lewiston, Idaho, to site to be determined, Lewiston, Idaho.

1420 NEW—D. J. Lindberg, La Grande, Ore.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, 250 watts local sunset, unlimited time. Frequency of KRLC contingent upon KRLC being granted another frequency as applied for.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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STATE AND MUNICIPAL TAXES AND LITIGATION

We are informed concerning certain state and municipal taxes imposed on radio broadcasting and of certain court cases relative thereto—but we fear our information is incomplete.

Please advise as to any pending litigation with regard to taxes, giving full details thereon and of any state or municipal tax on gross receipts or profits which you may be paying including a copy of the law imposing such tax.

JAMES W. BALDWIN,
Managing Director.

ADDITIONAL POWER FOR WBNX RECOMMENDED

Broadcasting Station WBNX, New York City, operating on 1350 kilocycles and sharing time with WAWZ, applied to the Federal Communications Commission to have its power increased from 250 to 1,000 watts, while Station WEED, Rocky Mount, N. C., asked that its frequency be changed from 1420 to 1350 kilocycles, that its power be increased from 100 to 250 watts, and that its unlimited day, and nighttime sharing with WEHC, be changed to unlimited time day and night.

Examiner John P. Bramhall, in Report No. I-134, has recommended that the application of WBNX for increased power be granted, "provided that an antenna be erected by the applicant so that the radiation in the direction of St. Louis be restricted at night to not more than 100 millivolts per meter, unattenuated field, at one mile from the WBNX transmitter." He also recommended that the application of Station WEED be denied. The Examiner found that the evidence failed to show that there is need for additional service in the area proposed to be served by WEED, and that it would violate the regulations of the Commission as to quota. It would also adversely affect other existing broadcasting stations.

NEW EQUIPMENT RULING

The Broadcast Division of the Federal Communications Commission at a regular meeting held November 12 adopted the following rule:

Rule 132—(a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed and operated in accordance with good engineering practice in all phases not otherwise specifically included in these regulations.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of Article 37 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or are capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low a level as required by good engineering practice. The program distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this rule, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements of good engineering practice will be published from time to time.

(e) This rule shall be effective upon its adoption, provided, however, that existing broadcast stations shall be allowed one year in which to meet the requirements herein.

WSPD CASE DISMISSED

The Supreme Court of the District of Columbia has dismissed the appeal of broadcasting station WSPD, Toledo, Ohio, following the decision of the Supreme Court of the United States in the well-known Jenny Wrenn case.

Station WSPD protested to the Federal Communications Commission the removal of Station WALR from Zanesville to Toledo, Ohio. The protest was denied by the Commission, following which WSPD filed a bill in the District Supreme Court to enjoin the Commission from issuing the removal license. The case is considered similar to the Jenny Wrenn case and therefore it has been dismissed.

MRS. LAURA READ

Mrs. Laura Read of Towaco, New Jersey, has disappeared from the New Jersey State Hospital where she has been under observation for a mental disturbance. It is believed that she may contact broadcasters to renew complaints about the unfair use of incidents from her life. If you have any information as to her whereabouts, please communicate directly with the New Jersey State Hospital, Greystone Park, New Jersey.

WIRE SERVICE TO BROADCASTING STATIONS

The Telephone Division of the Federal Communications Commission has announced that it will hold a hearing on December 2 to determine, among other things, if the Rochester Telephone Company, Rochester, N. Y., is not subject to the jurisdiction of the Commission "for the reason that it furnishes wire facilities and service to broadcasting companies for broadcasting purposes, and is thus engaged in interstate commerce as a wire communication carrier."

In this connection, following a recent meeting, the Telephone Division made the following statement regarding this case:

"Order of October 9, 1935, requiring Company to comply with certain previous orders or file answers setting forth facts in justification of its failure, and the further order setting matter down for hearing December 2, was amended by incorporating therein after fifth paragraph thereof and immediately preceding the order therein, the following paragraph:

" 'It further appearing that the Rochester Telephone Co. is subject to the jurisdiction of this Commission under all provisions of the Communications Act of 1934, for the reason that it furnishes wire facilities and service to radio broadcasting companies for broadcasting purposes, and is thus engaged in interstate commerce as a wire communication carrier in a manner not "solely through physical connection with the facilities of another carrier." ' "

RECOMMENDS AGAINST NEW PENNSYLVANIA STATION

George E. Heiges filed an application with the Federal Communications Commission asking authority to construct a new broadcasting station at Sharon, Pa., to use 1370 kilocycles, 100 watts night and 250 watts local sunset, unlimited time.

Examiner Ralph L. Walker, in Report No. I-135, recommends that the application be denied. The Examiner found that while there is a substantial need for the proposed radio service in the area, "the operation of the proposed station will increase interference to two time-sharing stations assigned the same frequency, and will cause objectionable interference within the good service area of a station using an adjacent channel. The granting of the application would result in a further increase in the present over-quota status of the Second Zone at night."

BROADCAST STATION CHANGES

The Federal Communications Commission has issued the following list containing alterations and corrections for the month of October:

Call Letters	Studio Location	Alterations and Corrections	Quota Units Night	Day
KALB	Alexandria, La.	C. P. covered by license	No change	
KELD	El Dorado, Ark.	C. P. covered by license	No change	
KFWB	Hollywood, Calif.	C. P. power 5 kw-LS	0.5	0.85
KGFF	Shawnee, Okla.	C. P. power 250 w-LS	0.1	0.2
KGKO	Wichita Falls, Tex.	Strike out C. P. as protested and grant suspended	No change	
KINY	Juneau, Alaska	Licensee: Edwin A. Kraft	No change	
KIUN	Pecos, Tex.	C. P. covered by license	No change	
KROC	Rochester, Minn.	C. P. covered by license	No change	
KSO	Des Moines, Iowa	Mod. C. P. T-north of Des Moines	No change	
KSUN	Lowell, Ariz.	Hours of operation, unlimited	0.1	0.1
WDEV	Waterbury, Vt.	S. A. Mrs. Mary M. Whitehill, Executrix of Estate of Harry C. Whitehill, operator of station	No change	
WELI	New Haven, Conn.	C. P. covered by license	No change	
WEMP	Milwaukee, Wis.	C. P. covered by license	No change	
WFLA	Clearwater, Fla.	Power 1 kw-5 kw-LS (directional antenna nighttime)	No change	
WSUN	St. Petersburg, Fla.	Strike out S. A. Exp.		
WHOM	Jersey City, N. J.	T-Hoboken, N. J.	No change	
WIBA	Madison, Wis.	C. P. power 5 kw-LS (directional antenna nighttime)	0.5	0.85
WIND	Gary, Ind.	C. P. power 5 kw-LS	0.5	0.85
WJBR	Gastonia, N. C.	C. P. New; Permittee: J. B. Roberts; freq. 1420 kc., power 100 w, hours of operation unlimited.	...	...
WJR	Detroit, Mich.	Power 50 kw	No change	
WJW	Akron, Ohio	Power 250 w-LS	No change	
WKJC	Lancaster, Pa.	Licensee: Associated Broadcasters, Inc., C. P. T and Studio, Easton, Pa. Call letters change to WEST	No change	
WMAQ	Chicago, Ill.	Power 50 kw	No change	
WNAX	Yankton, S. D.	Power 5 kw-LS	No change	
WNBX	Springfield, Vt.	S. A. Exp., hours of operation unlimited.	0.5	0.5
WNBZ	Saranac Lake, N. Y.	Power 100 w	No change	
WNRA	Muscle Shoals, Ala.	Studio: Sheffield, Ala.	No change	
WNYC	New York, N. Y.	C. P. T-Brooklyn, N. Y.	No change	
WPFB	Hattiesburg, Miss.	C. P. hours of operation unlimited	0.1	0.1
WROL	Knoxville, Tenn.	Power 250 w-LS	No change	
WSAY	Rochester, N. Y.	C. P. New; Permittee: Brown Radio Service and Laboraotry (Gordon P. Brown, Owner); Freq. 1210 kc., power 100 w, hours of operation daytime	...	...
WSIX	Springfield, Tenn.	C. P. T and Studio, Nashville, Tenn.	No change	

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

The Croft Brewing Company, Boston, Mass. (2-1746, Form A-1)
United Gold Fields of Nova Scotia, Ltd., Liverpool, Nova Scotia, Canada. (2-1748, Form A-1)
Kinner Airplane & Motor Corp., Ltd., Glendale, Calif. (2-1749, Form A-1)
The Cairo Water Company, Cairo, Ill. (2-1750, Form A-2)
Arex Indemnity Company, New York City. (2-1751, Form A-1)
American Chlorophyll, Inc., Washington, D. C. (2-1752, Form A-1)
Santa Lucia Mining Company, Inc., Detroit, Mich. (2-1753, Form A-1)
Jack H. Gix, Oklahoma City, Okla. (2-1754, Form A-1)
Cleveland Tractor Company, Cleveland, Ohio. (201755, Form A-2)
Committee of Alexander Pantages Bonds, Portland, Ore. (2-1756, Form D-1)
Hamilton Depositors Corporation, Denver, Colo. (2-1757, Form C-1)

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2611. Alleging unfair competition in the sale of a liquid shoe dressing, a complaint has been issued against **Sav-an-Upper Company,** of 3325 Madison Road, **Cincinnati,** charging misrepresentations of the company's business and product.

The respondent is alleged to have represented that persons selling its dressing could earn up to $2 an hour; that everywhere men and women selling it were making tremendous profits, and that the respondent's product will cause scuffed, discolored and faded shoe uppers to appear glossy, neat and good-looking as they were the day they left the factory. It is further represented that the product will preserve and renew various articles of leather. The complaint alleges that these representations are not true, and have a tendency to divert trade unfairly to the respondent from competitors.

No. 2612. Unfair competition through employment of a game of chance in the sale of candy is alleged in a complaint issued against **Ucanco Candy Co., Inc., of Davenport, Iowa.** The method of sale involved the use of a push card, according to the complaint.

No. 2614. Unfair competition in the sale of building materials is alleged in a complaint issued against **The Masonite Corporation,** having headquarters in **Chicago** and a plant at **Laurel, Miss.**

According to the complaint, this company, engaged in manufacturing and selling insulating board and wall board, made and sold under the trade name "Temprtile" a commodity manufactured solely of wood or wood refuse. However, according to the complaint, use of the trade name "Temprtile" has a tendency to mislead a substantial portion of the purchasing public into believing that the product so described is "tile".

No. 2615. Charging misrepresentation in the sale of a correspondence school course, a complaint has been issued against the **American School,** having headquarters at 58th Street and Drexel Avenue, **Chicago.**

Prospective subscribers were told, according to the complaint, that they had an opportunity to get in on the ground floor of a new and prosperous industry that would provide plenty of good jobs during their life times and that they could complete a high school education at home in two years or less. Other representations of a similar character were made.

No. 2616. Cal-Aspirin Corporation, of 160 East Illinois Street, **Chicago,** is charged, in a complaint with unfair methods of competition in the sale under a patented formula of a medicinal compound designated "Cal-Aspirin."

Representations made by the respondent are alleged to have deceived purchasers into believing that ordinary aspirin, in average doses, will have a toxic effect on a person's system and that Cal-Aspirin reduces this toxicity; also, that Cal-Aspirin, taken in ordinary doses, will more quickly and efficiently alleviate pain and fever than will ordinary aspirin. Other similar representations are alleged.

No. 2617. Misrepresentation in the sale of radios, refrigerators, oil burners for furnaces and air conditioners, is alleged in a complaint issued against **T. L. Loveland** and **J. L. Records, of Iowa**

City, Iowa, trading under the names of **Commercial Manufacturing Company** and **Brenard Manufacturing Company.**

The complaint charges that false and misleading representations of the respondents and their traveling representatives tend to mislead a substantial number of retail dealers into believing the respondents to be manufacturers of the appliances they sell when in fact they are not manufacturers but distributors; that the appliances are of superior quality, are laboratory tested and guaranteed, and are marked at low prices; and that the dealers will receive all of the benefits represented as accruing to them upon execution of a so-called distributor's agency agreement, when these are not the facts.

No. 2618. Representation of a converter and seller of silk and rayon goods as being a manufacturer is alleged as an unfair method of competition in a complaint issued against **Canton Silk Mills, Inc.,** of 469 Seventh Avenue, **New York City.**

Engaged in the business of buying silk and rayon cloths and fabrics in the raw or unfinished state and of causing them to be dyed, printed or processed by others into finished goods suitable for sale to dry goods retailers and the cutting-up trade, the respondent, according to the complaint, represented itself by use of its corporate name and in other ways as a manufacturer. The respondent is said to have advertised that it owned two mills at River Point, R. I., and Phoenix, R. I.

Nos. 2619 and 2621. Lotteries or games of chance are alleged to have been used in the sale of candy by **Cosner Candy Company, of Denver,** and **Sweet Candy Company, of Salt Lake City,** both engaged in manufacturing, according to complaints issued against these respondents.

No. 2620. Representation of a wholesaler and rectifier of liquor as a distiller is alleged as an unfair method of competition in a complaint issued against the **West Penn Distilling Co., Inc., of New Kensington, Pa.**

Use by this respondent company of the word "Distilling" in its corporate name and in other ways, had a tendency to deceive dealers and the purchasing public into believing the respondent to be a distiller, manufacturing or distilling spirituous beverages, when in fact it was not a distiller, according to the complaint.

Nos. 2622 and 2623. Unfair competition in the sale of flavoring extracts and wines is alleged in complaints issued against **C. E. Trees & Co., Inc., of Indianapolis,** and **Joseph Della Monica, of Brooklyn, N. Y.,** trading as **Delmonico's.**

Manufacturing a flavoring extract made principally of citrous oil and pure cane sugar and designed to be bottled with carbonated water and used as a "mixer" for alcoholic drinks and highballs, Trees & Co. is alleged to have advertised its product as "Four Per Cent—The Perfect Mixer."

Joseph Della Monica, in the sale of wines, is alleged to have used advertising phrases such as "Made in France" and "Importers and Producers of Foreign and Domestic Wines and Champagnes". The respondent is also said to have advertised by means of the phrase, "Imported wines: Chateau Delmonico Champagne Etablissements Delmonica, Epernay, France, Vintage 1928" and by other foreign names, when in fact, according to the complaint, the respondent did not make wine prior to 1933, and "Chateau Delmonico Champagne" made in Brooklyn is not champagne and has no connection with "Epernay, France", and another wine advertised as Italian is made in Brooklyn from grapes imported from Italy.

Complaints Dismissed

No. 2374. The Commission has ordered dismissal of a complaint issued several months ago against the **Sherwood Distilling & Distributing Co., Inc., of Baltimore.**

This complaint had alleged unfair competition in the use of the word "Distilling" in the respondent company's corporate name.

In its order of dismissal, the Commission reports that by virtue of a lease of an entire distillery for certain days through a permit issued by the United States Bureau of Internal Revenue, the respondent company now "operates and controls a distillery producing spirits by the process of distillation from mash, wort or wash".

No. 2434. An order has been issued closing the case against **Wolverine Distilleries, Inc., of Detroit,** which has abandoned all its business as described in the complaint issued June 11, 1935, and dismantled and sold the equipment used in the rectifying and wholesaling of liquor.

Stipulations

The Commission has announced the following cease and desist orders:

No. 2074. Morris Heller, of 66 North Sixth Street, **Brooklyn, N. Y.,** trading as **Venice Importing Company,** and selling olive oil, compound vegetable oil and related products, has been ordered to cease and desist from improper use of the word "Lucca" and of the name of any other Italian city, district or province, implying that his product was produced in and imported either from the Lucca district of the Province of Tuscany or from any other city, district or province of Italy, unless and until such representations are true.

No. 2160. Maxwell Steel Vault Company, of Oneida, N. Y., has been ordered to cease making misrepresentations in the sale of burial vaults.

Distributing its product exclusively through some 250 jobbers to undertakers, the respondent company is said to furnish ultimate purchasers with written certificates of purported warranty to the effect that the vaults are water-proof and will endure as such.

No. 2344. Unfair competition in the sale of shoe laces in interstate commerce is prohibited in an order issued against **Gotham Sales Co.,** a copartnership with headquarters at 14 East 17th Street, **New York City,** trading also as **Universal Merchandise Co.,** and operating branch stores in **Chicago, New Orleans,** and **San Francisco.** The respondent company sells and distributes assorted notions and novelties. Members of the copartnership are **Harry, Max, Martin, Alexander** and **Alfred Gottsagen.**

The respondents are ordered, in connection with the sale or distribution of shoe laces, to cease and desist from representing by express statements or by implication or otherwise that any of the laces they sell are mercerized, when this is not true.

No. 2352. An order to cease and desist from certain price fixing and other practices has been issued against eighteen manufacturers of fire extinguishing equipment. The respondent companies waived hearings on charges in the Commission's complaint and consented to issuance of the order.

The respondent companies named are as follows: **Fyr-Fyter Company, Dayton, Ohio; Buffalo Fire Appliance Corporation, Buffalo; Miller-Peerless Manufacturing Company, Chicago; Badger Fire Extinguisher Co., Boston; Knight & Thomas, Inc., Boston; American LaFrance & Foamite Industries Corp., Elmira, N. Y.; Pyrene Manufacturing Company, Newark, N. J.; Walter Kidde and Co., Inc., New York; Fyrout Corporation, New York; Fyr-Freeze, Inc., New York; C-O Two Fire Equipment Co., Newark; Wil-X-Mfg. Corporation, Brooklyn; W. D. Allen Manufacturing Company, Chicago; Phister Manufacturing Company, Cincinnati; Harker Manufacturing Company, Cincinnati; The General Fire Truck Corporation, St. Louis; Elkhart Brass Mfg. Co., Elkhart, Ind.; and George W. Diener Manufacturing Company, Chicago.**

The order prohibits these companies from performing by understanding, agreement or combination among themselves or between or among any two or more of them, the fixing of prices at which the commodities would be sold.

No. 2500. An order has been issued requiring **Certified Products Company, Inc.,** and **Jerome C. Ard,** its president and general manager, of **Birmingham, Ala.,** to cease and desist from making or publishing false or fraudulent representations for the purpose of enticing any person from the employ of any competitor into the employ of the respondents.

Other unfair methods of competition prohibited in the order are the making or publishing of false or fraudulent statements disparaging the financial condition or business policy of a competitor and maliciously enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their business.

Nos. 2532 and 2574. Two **New York** dealers in dry goods and garments have been ordered to cease and desist from improper use of the word "mills" in their trade or corporate names, in advertising literature or in other ways.

Samuel Kronovet, trading as **Westbury Knitting Mills,** is ordered to cease using the words "knitting" and "mills", either independently or in conjunction with other words, as part of his trade name, or in advertisements, until and unless he actually owns or controls the factory wherein the knitted garments sold and distributed by him, are actually knitted and manufactured. The respondent is also directed to cease representing by advertisements, on general business stationery or in other ways, that he is the knitter or manufacturer of the knitted garments sold by him, until and unless he actually owns or operates the factory wherein such articles are made.

Cameo Silk Mills, Inc., dealing in silk or raw cloth, is ordered to cease and desist from using a corporate name containing the word "mills" and from representing in any other way that it is a knitter, weaver or manufacturer of cloth, unless and until it actually knits, weaves or manufacturers the cloth it sells, or owns or controls a mill in which this cloth is knitted or manufactured.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, November 25

RE-HEARING AND ARGUMENT BEFORE THE COMMISSION EN BANC

In the Matter of the Petition of the American Telephone and Telegraph Company and the New York Telephone Company in connection with the installation of experimental coaxial cable between New York, N. Y., and Philadelphia, Pa.

HEARING BEFORE AN EXAMINER

KADA—C. C. Morris, Ada, Okla.—Special authorization; **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, daytime.

NEW—A. L. Chilton, Dallas, Tex.—C. P., **990 kc.,** 1 KW, daytime.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Modification of license, **560 kc.,** 1 KW, unlimited time. Present assignment: **560 kc.,** 500 watts, 1 KW LS, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER TO BE HELD IN COLUMBUS, GEORGIA

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Renewal of license, **1200 kc.,** 100 watts, unlimited time.

Tuesday, November 26

KFJM—University of North Dakota, Grand Forks, N. Dak.—C. P., **1410 kc.,** 1 KW, unlimited time. Present assignment: **1370 kc.,** 100 watts S. A. exp., 250 watts LS, unlimited time.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—C. P., **780 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **780 kc.,** 1 KW, 2½ KW LS, unlimited time.

Wednesday, November 27

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-76:

NEW—National Battery Broadcasting Co., Minneapolis, Minn.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Edward Hoffman, St. Paul, Minn.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Radio Chapel of the Air, Rev. Robert E. Connely, Pres., Minneapolis, Minn.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Dr. George W. Young, Minneapolis, Minn.—C. P., **1370 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-79:

WNEW—WOODAM Corporation, Newark, N. J.—Modification of license, **1250 kc.,** 1 KW, 5 KW LS, shares with WHBI.

Commissioner Brown's Report:

Mrs. Mary H. Morris and W. C. Morris, working as "Hotel Eagle," Eagle Pass, Tex.—Authority to transmit programs from Hotel Eagle, Eagle Pass, Texas, over XEPN.

Examiner's Report No. I-116:

NEW—Knox Broadcasting Co., Inc., Schenectady, N. Y.—C. P., **1240 kc.,** 1 KW, unlimited time.

Examiner's Report No. I-88:

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Special experimental authority, **1240 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.,** 100 watts (C. P., 100 watts, 250 watts LS), unlimited time.

Friday, November 29

KRSC—Radio Sales Corporation, Seattle, Wash.—C. P., **1120 kc.,** 250 watts, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

APPLICATIONS GRANTED

WHN—Marcus Loew Booking Agency, New York City—Granted modification of C. P. to make further changes in equipment and extend commencement date to this date and completion date to 120 days hereafter.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted license to cover C. P., **1230 kc.,** 1 KW, unlimited time.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. (auxiliary transmitter), **710 kc.,** 5 KW, unlimited.

KIIV—Charles L. Jaren, Portable (Fergus Falls, Minn.).—Granted modification of license to add frequencies **2060, 2790 kc.** Also granted renewal of license in accordance with modification.

WICC—The Southern Conn. Broadcasting Corp., Bridgeport, Conn.—Granted authority to install new automatic frequency control equipment.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted renewal of license for the regular period; **1200 kc.,** 100 watts, unlimited.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted renewal of license for the regular period; **1210 kc.,** 100 watts, unlimited.

WNEL—Juan Piza, San Juan, P. R.—Granted renewal of license for the regular period; **1290 kc.,** 500 watts, unlimited.

WBBZ—Estate of Charles Lewis Carrell, Howard Johnson, Representative, Ponca City, Okla.—Granted renewal of license for the regular period; **1200 kc.,** 100 watts, unlimited time.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted modification of C. P. to make changes in equipment; approval of transmitter site 2.4 miles from center of business district of Frederick, and approximately one-half mile due north of Jefferson Turnpike, make changes in antenna. Also granted modification of C. P. to extend completion date to 12-26-35.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted authority for 6 months from Dec. 1, 1935, to exchange programs with station CKLW, Windsor, Canada, through the facilities of the American Tel. and Tel. Co.

NEW—Monumental Radio Co., Baltimore, Md.—Granted C. P. (exp. gen. exp.), frequencies **31600, 35600, 38600, 41000 kc.,** 300 watts.

NEW—E. Anthony & Sons, Inc., Fairhaven, Mass.—Granted C. P. same as above, except power 100 watts.

W8XEI—WBNS, Inc., Portable-Mobile (Columbus, Ohio).—Granted license to cover C. P., frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts.

W8XEJ—WBNS, Inc., Portable-Mobile (Columbus, Ohio).—Granted license to cover C. P., frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-61: News Broadcasting Co., St. Joseph, Mo.—Denied C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time. Examiner Melvin Dalberg sustained.

NEW—J. L. Scroggin, St. Joseph, Mo.—Denied C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time. Examiner Dalberg reversed. Order effective January 7, 1936.

NEW—Ex. Rep. No. 1-77: H. K. Glass & M. C. Kirkland, Eustis, Fla.—Denied C. P. for new station to operate on **1310 kc.,** 100 watts, 6 a. m. to local sunset, sustaining Examiner Geo. H. Hill.

NEW—Lake Region Broadcasting Co., Lakeland, Fla.—Granted C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time, sustaining Examiner Hill.

NEW—C. D. Goff, Tampa, Fla.—Denied C. P. for new station to operate on **1500 kc.,** 100 watts, unlimited time. Examiner Hill reversed.

NEW—Robert Louis Sanders, Palm Beach, Fla.—Denied C. P. for new station to operate on **1420 kc.,** 100 watts, unlimited time, sustaining Examiner Hill.

NEW—Hazlewood, Inc., West Palm Beach, Fla.—Granted C. P. for new station to operate on **1200 kc.,** 100 watts, unlimited time, sustaining Examiner Hill. Order effective January 7, 1936.

WKAR—Ex. Rep. No. 1-121: Michigan State College, East Lansing, Mich.—Granted modification of license to change frequency from **1040 kc.** to **850 kc.**; 1 KW day to 1 KW; specified hours daytime to daytime. Examiner P. W. Seward sustained. Order effective January 14, 1936.

NEW—Ex. Rep. No. 1-132: Willis T. Shaughnessy, Bay Shore, N. Y. —Dismissed without prejudice application for C. P. for new broadcast station to operate on **1370 kc.**, 100 watts, unlimited time, sustaining Examiner Bramhall. Order effective November 19, 1935.

WBHS—Ex. Rep. No. 1-133: Virgil V. Evans, Huntsville, Ala.—Dismissed with prejudice application for renewal of license, **1200 kc.**, 100 watts, share with WFBC-WBHS 6/7ths time, sustaining Examiner P. W. Seward. Order effective November 19.

SET FOR HEARING

NEW—Union-Tribune Publishing Co., San Diego, Calif.—Application for C. P., **1420 kc.**, 100 watts night, 250 watts day, unlimited.

NEW—American Broadcasting Corp. of Ohio, Cleveland, Ohio.—Application for C. P. for new station, **880 kc.**, 1 KW, unlimited, site to be determined subject to approval of Commission.

NEW—Central Broadcasting Co., Eau Claire, Wis.—Application for C. P. for new station, **1050 kc.**, 250 watts, daytime.

NEW—Daily News Corp., St. Paul, Minn.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

WPHR—WLBG, Inc., Petersburg, Va.—Application for renewal of license, **880 kc.**, 500 watts, day.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses in the meeting held Nov. 12, 1935, for the regular period:

KADA, Ada, Okla.; KASA, Elk City, Okla.; KDLR, Devils Lake, N. Dak.; KFBK, Sacramento, Calif.; KFJB, Marshalltown, Iowa; KFJI, Klamath Falls, Ore.; KFVS, Cape Girardeau, Mo.; KFYO, Lubbock, Tex.; KGEK, Sterling, Colo.; KGY, Olympia, Wash.; KINY, Juneau, Alaska; KMBL, Monroe La.; KVOL, Lafayette, La., WABI, Bangor, Me.; WBBL, Richmond, Va.; WCOL, Columbus, Ohio; WCRW, Chicago; WEBQ, Harrisburg, Ill.; WEBR, and auxiliary, Buffalo, N. Y.; WFBG, Altoona, Pa.; WFDF, Flint, Mich.; WGBB, Freeport, N. Y.; WGCM, Mississippi City; WGH, Newport News, Va.; WGNY, Chester Township, N. Y.; WHAT, Philadelphia; WHBC, Canton, Ohio; KFOR, Lincoln, Nebr.; KFPW, Fort Smith, Ark.; KGBX, Springfield, Mo.; KGCX, Wolf Point, Mont.; KGEZ, Kalispell, Mont.; KGFW, Kearney, Nebr.; KIUJ, Santa Fe, N. Mex.; KIUL, Garden City, Kans.; KOOS, Marshfield, Ore.; KPPC, Pasadena, Calif.; KRMD, Shreveport, La.; KSUN, Lowell, Ariz.; KTSM, El Paso, Tex.; KWG, Stockton, Calif.; WKOK, Sunbury, Pa.; WLNH, Laconia, N. H.; WLVA, Lynchburg, Va.; WMBG, auxiliary, Richmond, Va.; WMBO, Auburn, N. Y.; WMFN, Clarksdale, Miss.; WMPC, Lapeer, Mich.; WNBH, New Bedford, Mass.; WOL, Washington, D. C.; WOMT, Manitowoc, Wis.; WPAX, Thomasville, Ga.; WRAW, Reading, Pa.; WROL, Knoxville, Tenn.; WSIX, Springfield, Tenn.; WSOC, Charlotte, N. C.; WTEL, Philadelphia; WBEO, Marquette, Mich.; WBNO, New Orleans; WBOW, Terre Haute, Ind.; WBRB, Red Bank, N. J.; WCAX, Burlington, Vt.; WCLO, Janesville, Wis.; WCMI, Ashland, Ky.; WDAH, El Paso, Tex.; WEXL, Royal Oak, Mich.; WFAM, South Bend, Ind; WHBF, Rock Island, Ill.; WHBU, Anderson, Ind.; WHBY, Green Bay, Wis.; WJAC, Johnstown, Pa.; WJBL, Decatur, Ill.; WJBY, Gadsden, Ala.; WKBO, Harrisburg, Pa.; WCLS, Joliet, Ill.; WFAS, White Plains, N. Y.

W1XBS—American Republican, Inc., Prospect Township (New Haven County, Conn.)—Granted renewal of experimental station license for experimental service, effective Dec. 1, to expire June 1, 1936, in exact conformity with existing license.

W9XBY—First National Television, Inc., Kansas City, Mo.—Granted renewal of experimental station license for experimental service, effective Dec. 1, to expire June 1, 1936, in exact conformity with existing license.

W2XR—John V. L. Hogan, d/b as the Scientific Broadcasting Service, Long Island, City N. Y.—Granted renewal of experimental station license for experimental service, effective Dec. 1, to expire June 1, 1936, in exact conformity with existing license.

W6XAI—Pioneer Mercantile Co., Bakersfield, Cal.—Granted renewal of experimental station license for experimental service, effective Dec. 1, to expire June 1, 1936, in exact conformity with existing license.

W8XAO—The Crosley Radio Corp., Nr. Mason, Ohio—Granted renewal of special experimental station license for experimental service, effective Nov. 21, 1935, to expire Feb. 21, 1936, in exact conformity with existing license.

W10XFH—National Broadcasting Co., Inc., Portable-Mobile (On Stratosphere Balloon)—Granted renewal of special experimental station license for experimental service, for period ending Feb. 1, 1936, in exact conformity with existing license.

MISCELLANEOUS

WNOX—WNOX, Inc., Knoxville, Tenn.—Reconsidered and granted application to assign license to Continental Radio Corp.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Denied request for postponement of effective date of decision in the so-called Brooklyn cases since the Commission on its own motion postponed the effective date in said cases to December 3, 1935.

KOB—New Mexico College of Agr. and Mech. Arts, Albuquerque, N. Mex.—Granted petition for acceptance of written appearance at hearing for renewal of license. This case will be heard as usual by an Examiner.

NEW—Emmons L. Abeles and Robert J. Dean, d/b as Wise Broadcasting Corp., St. Paul, Minn.—Denied petition asking Commission to reconsider action of November 12, 1935, in granting request of Edward Hoffman for continuance of hearing of application of Wise Broadcasting Corp. for new station at St. Paul, Minn., to operate on **630 kc.**, 250 watts, unlimited, scheduled for December 5, 1935.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene at hearing of application of Wise Broadcasting Co. for new station at St. Paul, to operate on **630 kc.**, 250 watts, unlimited.

NEW—A. L. Chilton, Dallas, Tex.—Granted: motion for continuance of hearing on application for new station at Dallas, scheduled for Nov. 25, 1935. The Commission at some future time will hear this application in conjunction with the application of Amon G. Carter for a new station at Fort Worth, Tex.

NEW—A. O. Jenkins, Jacksonville, Fla.—Granted petition requesting hearing scheduled for Dec. 17, be continued until after Jan. 10, 1936.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Reconsidered and granted application for authority to make changes in equipment, increase day power from 2½ to 5 KW and to install a new directional antenna system.

KFOX—Nichols & Warinner, Inc., Long Beach, Cal.—Reconsidered and granted application for renewal of license.

NEW—Pacific Acceptance Corp., San Diego, Cal.—Reconsidered action in granting C. P. for new station, order of Oct. 22, 1935, vacated and application for new hearing to be set for further hearing.

NEW—Calif. Sales Contract Co., San Francisco, Cal.—Application for new station now in hands of examiner was remanded for further hearing.

KMTR—KMTR Radio Corp., Los Angeles, Cal.—Application of this station for renewal of license to be heard in connection with application of Pacific Acceptance Corp. and Calif. Sales Contract Co.

NEW—J. R. Maddox and J. Richards, d/b as Tuscaloosa Broadcasting Co., Tuscaloosa, Ala.—Application for C. P. for new station, **1370 kc.**, 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Application for modification of license, **630 kc.**, 250 watts, unlimited, heretofore set for hearing, was dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Modification
900 of construction permit (B1-P-427) for equipment changes and approval of transmitter site on Gas House Pike, 1¼ miles from center of Frederick business district, Maryland. Amended to make changes in antenna system and move transmitter from Gas House Pike, 1¼ miles from center of Frederick business district, Maryland, to 2.4 miles from the center of business district, Frederick, Md., and approximately ½ mile due north of the Jefferson Turnpike.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Con-
1270 struction permit to make changes in auxiliary equipment and increase power of auxiliary equipment from 250 watts to 500 watts.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N, Y.
1500 —Modification of license to change specified hours by adding from 12 midnight to 1 a. m. Sunday, 12 midnight to 12:30 a. m. Tuesday, 12 midnight to 12:30 a. m. Friday, and 12 midnight to 12:30 a. m. Saturday.

W10XAN—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit for increase in power from 10 to 40 watts.

W1XEG—Connecticut State College, Storrs, Conn.—License to cover construction permit for a new general experimental station.

Second Zone

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modifica-
920 tion of license to increase power from 250 watts, 500 watts day, to 1 KW day and night, using directional antenna at night.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modification
920 of license to increase power from 250 watts, 500 watts day, to 1 KW day and night, using directional antenna at night.

NEW—John E. Fetzer, Kalamazoo, Mich.—Construction permit for
1010 a new station to be operated on **1010 kc.,** 500 watts night, 1 KW day, unlimited time.

WJAC—WJAC, Inc., Johnstown, Pa.—Construction permit to make
1310 changes in equipment, increase power from 100 watts to 100 watts, 250 watts day, and move transmitter locally.

NEW—John E. Fetzer, Benton Harbor, Mich.—Construction per-
1500 mit for a new station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Modification of construction permit (B2-P-472) authorizing move of transmitter and studio, requesting antenna changes and approval of transmitter site at Williams Township, 1.4 miles south of Easton, Pa.

Third Zone

NEW—Voice of Marshall, Marshall, Tex.—Construction permit
1500 for a new station on **1500 kc.,** 100 watts, specified hours.

WNBD—WDSU, Inc., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.

Fourth Zone

KWTO—KGBX, Inc., Springfield, Mo.—Modification of license to
560 change name from KGBX, Inc., to Ozarks Broadcasting Co.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction
1200 permit to make changes in equipment.

NEW—George H. Adams and Henry D. Bratter, St. Paul, Minn.—
1370 Construction permit for a new station to be operated on **1370 kc.,** 100 watts, unlimited time.

WHFC—WHFC, Inc., Cicero, Ill.—Modification of license to
1420 change specified hours by adding one hour on Sundays (7 a. m. to 8 a. m.).

W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—License to cover construction permit for a new general experimental station.

Fifth Zone

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Modifi-
1400 cation of construction permit (B5-P-552) to change frequency from **1420 kc.** to **1400 kc.,** power from 100 watts to 250 watts, install new equipment, extend commencement date 60 days after grant and completion date 6 months thereafter. Amended to make changes in equipment.

NEW—Oregon State Agricultural College, Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000, 400000 kc.,** 5 watts. Amended to delete frequencies **86000** and **400000.**

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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JULY 8, 1935

Monday Morning

The opening session of the Thirteenth Annual Convention of the National Association of Broadcasters, held at The Broadmoor, Colorado Springs, Colorado, convened at 10:15 o'clock, President J. T. Ward (WLAC, Nashville) presiding.

PRESIDENT WARD: The Thirteenth Annual Convention of the National Association of Broadcasters is called to order.

In the absence of the Hon. E. C. Johnson, Governor of the State of Colorado, who was not permitted to be with us this morning due to the press of official business, we have Dr. F. A. Forney of Colorado Springs, who will represent the Governor in extending the address of welcome. Dr. Forney. (Applause.)

DR. F. A. FORNEY (Radiologist, Modern Woodmen of America Sanitorium, Colorado Springs): Mr. Chairman, ladies and gentlemen: I am perhaps not the last example but I am the very latest example of carrying coals to Newcastle. You don't need a very great sense of humor to know that there is something funny going on to ask an ordinary fellow at 9:00 o'clock to come before a national convention of broadcasters to make a speech. That to me is decidedly humorous. If Major Bowes of amateur fame happens to be in the audience, I hope he won't ring the bell on me for about thirty seconds. (Laughter.) I'll hurry through.

Science is so exacting; they demand so much perfection in their machines today that the general public is in no sense able to appreciate the amount of work, the hours of research, the amount of capital necessary, to put over our modern inventions and our modern machines.

I happen to know one illustration in the Coolidge tube put out by General Electric where they put in $2,000,000 to sell an X-Ray tube for $25. Probably you radio men could tell us of more illustrations out of proportion than that one.

Your radio was so perfected when it was given to the public that we don't think about the scientific end of it but we think of the service that you give us. It is a wonderful thing to be able to sit down in your home and get the best musical programs and get the latest world news, or, you can even go up in the mountains, take your radio in your car and get the same news up there.

But, it all comes to the average individual so fast that it is bewildering. He ought to have a keen sense of appreciation but you will have to be patient. You will think we are awful slow in reacting to your programs but it is coming so fast that it isn't possible for us to do it.

You know, the radio takes a second seat to no one, to no other agency today in absolutely molding the fate and the destiny of nations. I know you have your problems; you must have one big problem to be able to give the general public all this wonderful entertainment, all this news service you give them and it doesn't cost them anything except the cost of their radio. I hope if you have to deal with that in this convention, you will continue on the same plane, free of charge, and with the same high type of programs. I wish you well along those lines if that is what is in your minds to do.

I am sorry the Governor couldn't be here this morning. I have made a few random remarks to let you know as an ordinary citizen I do know there is such a thing as radio and have a sense of appreciation. But, on behalf of the Governor, on behalf of Colorado Springs and this hotel, I want to extend to you a very cordial welcome and greeting to this community for your radio meeting.

I hope that you will dispose of your business in time so that you will be able to get out into our hills and see some of the natural grandeur and beauty that is coming to you. It will give you a wonderful feeling if nothing more. On Saturday I went out about twenty miles; yesterday morning I had a trout breakfast with a dozen trout as a trophy and I never felt better in my life than this morning.

Again, I want to extend greetings. If you don't get what you want, ask for it and the citizens of Colorado Springs will try to help you out.

I thank you. (Applause.)

PRESIDENT WARD: We greatly appreciate the words of welcome as extended to us by Dr. Forney and I am quite sure that the beauty of the surrounding country and the delightful hotel in which we are stopping, the environment of it all is completely going to correct and eradicate any evil due to the fact that this is our thirteenth annual convention.

The management of the hotel has stated that they are going to give us more lights and better ventilation and until that can be obtained, has suggested that we go just a little slow on our smoking until they can get the room better ventilated, which will be only a few minutes.

And now we come to that point in the program when I, as President of your Association, am to give my annual report.

This year will probably go down in history as the shortest in the life of the NAB as measured from convention date to convention date, although I doubt if one will come more full of perplexing problems and difficulties. In speaking of these problems, I shall only deal in generalities since you will receive a full and complete report from those who were appointed to deal with such problems.

Almost on the very heels of our last convention, the broadcasters were called to Washington on October 11 to testify before the Federal Communications Commission as to what the industry had been doing in the way of educational broadcasting; or, to put it another way, how we had acted under the stewardship in which we had agreed to operate in public interest, convenience and necessity.

This educational hearing was heard by the Commission under a mandate from Congress, and whatever may have been our fears before, in the end I am sure every station participating welcomed the opportunity to testify before the Commission. Stations participating presented their cases in a most interesting manner and all rallied to the leadership of NAB, making possible the presentation of a case which could not be broken.

When the facts were known, I am quite sure the industry as a whole was surprised to know that such a vast amount of time was being given to subjects of a general educational or informative nature. You are all aware of the favorable report given to Congress by the Commission, which in substance upheld the American system of broadcasting.

May I pause here to pay my respects to Phil Loucks and Henry Bellows for their leadership and the admirable manner in which they conducted the case for the industry. Henry Bellows had a gigantic task in collecting all the data and putting it together into a most beautiful and logical summary of the case.

In May of this year, the second educational conference was called by the Commission, at which time the industry, with your President as its spokesman, reaffirmed our belief in the American system of broadcasting and without relinquishing any of our rights or privileges, your President joined in the suggestion that a committee be appointed by the Commission, truly representative of educators and broadcasters, to make a further study of broadcasting, out of which we hope helpful suggestions will come that can be adopted by the industry, and thus settle to the satisfaction of all concerned this important question of education by radio.

Your Association has been faced with pressing legislation, not only of national scope, but various tax bills springing up all over the country in state legislation. During the past year many state committees have been formed so as to deal more adequately with this problem at its source. This is a plan of action which we hope to carry into every state in the union. These committees, functioning as a local state NAB committee, cannot only successfully handle state legislation but can act as a unit of NAB in dealing with any other state problems affecting our industry. Such state committees should materially strengthen our Association.

Plans for the creation of a cooperative bureau have taken definite shape under the guidance of the committee of which Arthur B. Church is chairman. This committee has made definite progress and you will have a complete report from Mr. Church. May I, however, at this point, add my endorsement to the work which they have done and which they propose doing in the future. We need much closer cooperation in our industry with the advertising agencies, represented by the AAAA, the AFA and the ANA, and through them, with the advertiser. Definite information must be compiled and made available for the time buyer.

The NRA code did much to stabilize our industry from the standpoint of trade practices. Now that the plan and purposes of NRA have been greatly curtailed, our Code Authority has been abandoned. It would, however, be disastrous for this industry to revert to some of those evil practices which were so prevalent before the establishment of our Code Authority. I have, therefore, appointed a committee consisting of Alfred J. McCosker, chairman; Arthur B. Church, Stanley E. Hubbard, John Shepard, 3rd, and Edward Allen to make a study and report to this convention certain trade practices wherein the good features of the broadcasters' NRA code can be voluntarily adopted and adhered to by the entire industry.

I feel that definite progress has been made during the year in the matter of copyrights. The Government suit against the American Society to correct their unfair trade practices has been launched and will be continued in November. Our Copyright Committee has worked very diligently throughout the year and a complete report of their negotiations will be made by the chairman and we expect a great deal of discussion on this very important subject.

The American Society has offered to the industry a renewal of their present contract for a period of five years. This contract, while it may not be desirable to the industry as a whole, does at least protect the industry from a further increase in payments to ASCAP for a period of five years from the expiration of our present contract, and would become void should the Government win its case before its expiration or a more desirable plan of operation be entered into between the industry and ASCAP.

Practices of the governing body of radio, the Federal Communications Commission, are fast becoming stabilized under the valiant leadership of Chairman Prall. It is my belief that the individual broadcasters and the industry as a whole feel more secure in their position today operating under the new Commission than at any time in its history.

During the past year our industry has prospered; business has continued to gain during 1935; gross time sales during the first four months of the current year were approximately twenty per cent greater than during the corresponding period of 1934. Particularly encouragement is to be found in the use of radio advertising by retail establishments. Radio advertising of this type was 48.6 per cent greater during the first quarter of 1935 than during the same period of the preceding year. April retail volume was 71.1 per cent ahead of the same month of last year. Department store volume has exceeded that of the previous year by about 50 per cent. The total gross revenue from the sale of broadcasting facilities representing only gross time sales for the year 1934 amounted to $72,887,000. This equalled and probably exceeded the previous estimated peak which occurred in 1931.

There has been an increase in the number of receiving sets, slightly more than 4,000,000 new sets being sold in 1934. There were approximately 21,000,000 radio homes in this country on January 1 of this year representing a potential listening audience of approximately 70,000,000 people. This does not take into consideration the ever increasing number of automobile radios being sold. There are approximately 21,430,000 passenger cars in use today, representing a very fertile field for the continued sale of auto receiving sets, bringing with it a greatly increased constant listening audience.

Radio programs have been greatly improved during the year and much thought has been given to better commercial copy, resulting in a more favorable reaction from the listening audience. I cannot recommend too strongly to you the position of our two networks and many leading independent stations relative to their position as to what can be ethically advertised over the air. Such broadminded vision can only reflect good to our entire industry, increased confidence by the advertiser and increased good will and enjoyment on the part of our listening audience. With general improvement in business conditions throughout the country, I am confident that our industry is on the threshold of a very profitable future which will enable us to be of greater service to our country and its people.

Our Association, under the able management of Phil Loucks, has consistantly grown in number. Our membership now totals 385, 40 new members being added during the year. Our Association is in a much more stable financial condition, due to the new system of dues inaugurated at our last convention and to the efficient management on the part of our Managing Director. Too much cannot be said of Phil Loucks and it was with deepest regret that I, as President of your Association, received his resignation which will be passed to the Board for action. In returning to the private practice of law, he will have the best wishes of every member of this Association. Were it possible to influence him to remain with us, I am sure every member to the last man would be pleased. To know and to work with him, as it has been my privilege throughout the year, is to respect him. He is one of the most capable, loyal workers I have ever known, courageous and honest in any stand he takes. This Association is going to feel his loss very keenly, for he has helped to build a firm foundation on which a great industry rests. (Prolonged applause.)

This Association is not just a trade organization; it is a bulwark which will, if we stick together, withstand any onslaught either from within or without our organization. A split in our ranks would be a severe blow to the future of the industry. This Association is bigger than any one man or group of men. We all have a common cause and interest and there is no problem facing us, nor none will develop in the future, which cannot be properly solved if we all stand together behind our Association.

During the past year it has been my privilege and an honor to serve as your President. I have acted at all times within my best judgment and to the extent of my ability. It has taken a great deal of time and has meant an actual financial loss to me. I have, however, enjoyed the work and have been happy in the thought of serving you. I am not, however, a candidate for reelection. It has always been my belief that the presidency of the National Association of Broadcasters—the highest honor which our industry can bestow upon one individual—should be sought by every member of this Association; and I have always held the belief that once a member has enjoyed that high honor and has enjoyed the privilege of serving his industry in that capacity, he should stand aside in favor of another of his associates in business, happy in the thought that he has had the opportunity for service. By that, I do not want to infer that I am unwilling to serve you in any capacity which you may choose. On the other hand, I want by that statement to convey the thought that my interest in so far as this Association is concerned, is your interest. I will be happy to do whatever I can in the future for this Association in any official capacity or as one of your active members. I am a great believer in the old adage, "United we stand; divided we fall" and I want you to know that I am with you through thick and thin, and that I shall always put the interest of this Association above my own selfish interest and personal gain. (Prolonged applause.)

And now we come to that point on our program I am sure you have all been very keenly waiting for—"A Market Tip to the Broadcasters," to be given by my friend and your friend, Anning S. Prall, Chairman of the Federal Communications Commission.

(The convention arose and applauded.)

HON. ANNING S. PRALL (Chairman, Federal Communications Commission; Washington, D. C.): Mr. Chairman, ladies and gentlemen, and delegates: when I heard your President convey his annual message to you, I was reminded of six experiences that I have had with respect to one part of his report. I had the honor and privilege of sitting in the Congress of our country for six terms and from the first to the last, at the expiration of each, I assured the voters of my district in all sincerity that I was not a candidate for reelection. (Laughter.)

And then I followed that up with the assurance to my constituents that if at any time I might be of service to them, my heart and my soul was in the work. (Laughter and applause.)

And my patriotism, I assured them, was far greater than any selfish interest I might have. (Laughter.)

I am here today at your gracious invitation, the honor of which I greatly appreciate. As the representative of the Federal Communications Commission, it is a real pleasure, I assure you, to appear before you gentlemen of the Fifth Estate.

It is with genuine satisfaction that I am privileged to attend this convention where, for the first time since I was named a member of the Commission last January by President Roosevelt, I can meet face to face the representatives of the broadcasting industry as a group. Many of you I have met individually, with others I have corresponded, and with some I have a telephone acquaintance, but it is our earnest desire—and I speak for my fellow Commissioners—to know all of you personally, to counsel with you and to discuss your problems to the end that better radio service may be offered to the American people and that the industry may reach its goal of complete stability.

Today I am going to talk a little shop with you. It might aptly be called a "heart-to-heart with the broadcasters."

As you are probably aware, we have injected a bit of "New Deal" in radio during the past few months, and from where we sit in Washington, it is very apparent, to say the least, that you are interested in our desire, or, may I make it a little stronger and say, our determination to free the air of objectionable programs and strengthen friendly radio reception in the American home. While our actions may have appeared drastic, I believe all of you will agree that even at this early stage much good has been accomplished. You will also agree, I am sure, that by our action the American home is assured of a better standard of radio programs and that in the final analysis the industry itself, having grown so important in the public mind and having assumed the responsibility of broadcasting information that should always be accurate and dependable, can rely upon the strong arm of the Commission to protect it against its unscrupulous brother within its own ranks who seems to disregard the idea that immediate profit must at times be subordinated to public service.

In order that you may follow our thesis chronologically, suppose I start at the very beginning of this new trend in program improvement. I came to the Commission in January as a layman with little more than the average listener's knowledge of broadcasting, but I had been something of an ardent listener. To me, radio was (and still is) an ultra-modern combination of journalism, the theater, the public rostrum and the school house.

Visualizing radio as I did, it was difficult for me to reconcile some of the programs heard so consistently with this concept. To me, there were many commercial medical programs and children's programs which did not accord with good taste. In the former case, there appeared to be commercial announcements which were not only repugnant but absolutely false, deceptive and fraudulent. That much is an old story to you.

Upon taking office, I found that the Commission's Law Department was working on a score or more of complaints involving programs that seemed to be out of step with the requirements of law. We expedited that work. Immediately there developed a strong support for it. It was not a reform movement. We simply had in mind what should have been obvious to the broadcasting industry all along—that elimination of these offensive or improper programs was desired by listeners and that with them stations could not meet the requirements of serving "public interest, convenience and necessity."

Today, after only five months, there has been a wholesome cleaning up. Stations have taken the view that the result can be accomplished by self-regulation. That is well. We, on the Commission, are gratified. The job has not yet been completed, for our records show that there are still some one hundred station citations pending involving programs. These are not confined to medical continuities. They include lotteries, astrology programs and other seeming violations of broadcasting "in the public interest." But we do feel that a good start has been made.

Having served the City of New York as President of the Board of Education, with an enrollment of more than a million boys and girls in the public schools, I am naturally interested in what is going over the air under the guise of children's programs. Caustic complaints have come to me to the effect that many children cannot eat or sleep after hearing some of these blood and thunder broadcasts. Good judgment could have prevented this, and can prevent it.

We would not have you believe that our view has been that all broadcasting stations have been transgressors. Far from that. We felt that the entire roster of six hundred or more stations was being penalized by the sins of a decided minority who failed to recognize their obligation to listeners. We have discovered that a large number of stations for some time had been rejecting programs in which the commercial continuities were overdone, or the products questionable.

Particularly gratifying to us has been the leadership of the nation-wide networks. Because of their greater stakes in the broadcasting industry, it was only logical to expect them to be the bell-wethers. They have responded admirably, and we hope they will continue to lead the way in this sensible self-regulation movement. Otherwise, there is strong possibility that Congress itself will step in and take a hand, and perhaps write into the law program restrictions with which stations will be forced to comply. That would be unfortunate, particularly when the result can be accomplished without it. On this, the ball has been passed to the broadcasting industry and that includes the advertisers as well as the station operators. There must be team-work between the two. During the past few months the team-work has been fine. A bit of brain-work along with this team-work will win the old ball game.

Many of you, perhaps, are wondering what we are going to do about stations now operating with temporary licenses because of alleged program excesses. I am going to talk frankly. We do not have in mind the deletion of stations which can show that the programs complained of did not constitute the major part of their schedules, or which have since taken steps to clean up; but we will not condone gross and willful infractions. Stations have been deleted in the past due to program shortcomings, and it may be that a few of the pending cases will necessitate this drastic action. I hope not.

It can be said, also, that the Commission has not and does not intend to prohibit the advertising of any and all medical products over the air. It does not have the power to do so, as you well know, because it can exercise no censorship whatever over programs. If a product, in the first instance, is legitimate, and if it is advertised in good taste without false or deceptive statement, then there is no reason why the account cannot be accepted by the station. But the broadcaster must be the judge. If he is incapable of judging, then we must assume that he is not the proper person to hold a broadcasting station license.

At this point I wish to mention another factor in radio advertising which apparently has been overlooked—that is the advertiser himself and, of course, his advertising agency. The advertiser has a very definite and primary responsibility. He is not subject to the terms of the Communications Act, as is the station, but he is amenable to many other laws of the land dealing with pure food and drugs and with interstate commerce.

In the first place, the advertiser should realize that radio is very different as an advertising medium from the printed page. He should not attempt to foist upon stations and their listeners advertising copy that cannot be placed in newspapers and magazines. He should realize that while he may sell his goods effectively over the radio by going to high-powered extremes in his sales talks, he is at the same time creating ill will among those who are informed. In the long run, he will lose and perhaps the station will be found in the ruins.

It is because unscrupulous manufacturers in the food, drug and cosmetic lines have gone to such extremes that the United States Senate recently passed the Copeland Bill designed to regulate rigidly the sale and advertising of these products. If this bill becomes a law, then these manufacturers will soon find they cannot continue these practices. Radio should be the modern Paul Revere and be used to warn the public against the fake advertiser. Most certainly it should never be the medium used for selling goods that are fraudulently advertised.

I have noted in *Broadcasting Magazine* that your Association is cooperating with the Association of National Advertisers and with the Association of Advertising Agencies in plans to form a cooperative bureau to authenticate station coverage and listener data. In this connection, an idea occurs to me: Why not go farther? Here are the three principal trade associations of the three industrial groups most vitally concerned with radio as an advertising medium. Why can't they enlarge the scope of their activity to include a cooperative movement for safe, sane, clean, and dependable continuities on the air? There need be no mandatory rules. Perhaps the writing of trade practice provisions to cover these points would suffice. Without knowing very much of these trade associations, it nevertheless seems to me that you have a splendid opportunity to accomplish something along this line.

Also worthy of consideration, I believe, is the editorial suggestion made in the May 1 issue of *Broadcasting Magazine* on the subject of questionable programs. I quote from *Broadcasting's* columns (and I have been told since preparing this address that other publications have taken the same attitude):

> "Perhaps a solution (to the program problem) would be to set up within the industry (the National Association of Broadcasters would be the logical agency) an individual whose task it would be to advise stations and advertisers and their agencies whether particular accounts are construed to be ethically, esthetically and otherwise acceptable. It would be a matter of 'editorial selection,' so to speak, for the industry. The man would have to be forceful and one with the courage to say 'no.' . . .
>
> "Thus, when a new account is offered, the NAB could review it, and if necessary, check with Federal authorities to ascertain whether the claims are reasonable. Like the procedure so successfully adopted by Good Housekeeping in the home commodity field, the NAB could place its stamp of approval on products or services, and deny it to those which fail to meet predetermined specifications. . . ."

That, to me, seems to be a plausible proposal, basically. It is another matter your convention might well consider at its deliberations here. It may have its shortcomings, but most certainly it is a function that can be performed by your trade association, particularly when one takes into account the fact that our radio law specifically prevents us from exercising any degree of program censorship.

At the beginning of this talk, I believe I characterized radio as the "Fifth Estate." That may sound trite to you of the trade but the first time I heard it I was greatly impressed. It describes radio broadcasting in a remarkably apt way. In the case of the "Fourth Estate," which embraces journalism or the press, there were some four hundred years of history since the first news was published from type. Radio, the "Fifth Estate," has only fifteen years behind it, but those have been years of dazzling, almost reckless development. Today it is leveling off into a medium comparable with the press, but providing also certain types of "editorial matter" not developed on the printed page. Naturally, we cannot expect this fifteen-year-old infant, which some of my newspaper friends call "audible journalism," to do what the publishers have accomplished only after four centuries; but it can profit and happily is profiting by the experience and background of the "Fourth Estaters."

The radio broadcaster of today is the "Editor of the Air." Like the editor of the press, he has a distinct responsibility to his auditors. The responsibility of the "Editor of the Air" even transcends that of his more experienced brother, because he must comply with the mandate of serving "public interest, convenience and necessity" in everything he "publishes" by means of his transmitter. His broadcasting franchise is contingent upon that. Moreover, the "Editor of the Air" is decidedly limited in the amount of "news" he can publish for the information, edification and enlightenment of his listeners. There are only so many hours in the day and he must offer his listeners a balanced menu. He cannot add pages to the newspaper of the air. On the printing press, of course, there is no limit to the size or number of the news columns that can be published.

This "Editor of the Air" analogy is becoming more and more striking these days. As I turn the dial of my radio, I find that news reports consume infinitely more time than they did only a few short months ago. That is an interesting and important development and may have a far-reaching bearing upon the future status of the broadcasting stations.

Broadcasters, as they become more alive to their editorial responsibility, I believe will soon find themselves establishing editorial standards. By that I do not mean that they will identify themselves with politics, for that would be wrong and deplorable. It is my view that they will become more intimately identified with the civic activities of their own communities, that there will be more forums on the air, and that they will awaken the interest of their listeners in an entirely new sphere of editorial activity. The station will then become a vastly more important entity in the affairs of its own city or town.

I cannot permit the day to pass without a word of appreciation from the Commission for the fine spirit of cooperation shown by the broadcasters in working so harmoniously with the educational groups of the country to the end of pressing the broadcasting industry into use in our movement to bring about a definite, workable plan for education by radio. A committee, headed by Dr. Studebaker, United States Commissioner of Education, is working to that end, and to your ever-lasting credit I understand you are 100 per cent committed to the idea and supporting it wholeheartedly.

At the Commission we are mindful of the fact that broadcasting stations now operate under six-month licenses. That, to a business man, seems extremely unjust when the millions of dollars invested in the broadcasting plant and equipment are taken into account, along with some fifteen thousand full-time radio station employees and the tremendous payrolls. I agree that under ordinary circumstances you have some reason to protest. I do not agree, however, with some who have said or written that broadcasting stations have been intimidated or coerced because of these short-term licenses. I do not believe that there has been the slightest degree of censorship invoked upon networks by the Administration or by our Commission. All that talk may be branded as sheer partisan propaganda and no one is better informed on this subject than you gentlemen of the industry. The law as now written permits us, if we so desire, to extend the term of broadcasting station licenses to three years. Most of you will recall that in the early days of our predecessor agency, the Federal Radio Commission, licenses were issued for only three months and then extended to the present six-month term. That was because the old Commission felt the broadcasting structure should be kept sufficiently fluid to permit the shifting of station assignments and so to adjust radio as to provide maximum service for the people of the country.

There is now pending before the Commission a resolution introduced by Commissioner Brown to extend the broadcast license term to one year. I have not discussed this resolution with any of the Commissioners and cannot even venture an opinion of what action they may take when this matter comes before us for adoption. I know, however, that you are vitally interested in this phase of your business and I can see no good reason, when once the industry has established itself on a sound program basis, why the Commission should not give the proposal serious consideration. (Applause.)

Before closing, may I assure you that during my short tenure on the Commission, I have appreciated fully the splendid cooperation of the officers and members of your Association whom it has been my pleasure to meet. May I say, too, that I have learned with keen regret that your Managing Director, Philip G. Loucks, is about to retire after five years of service. In the work of the educational groups, I have been in close personal contact with Mr. Loucks, who is gifted with a charming personality, and he has impressed me as an able, conscientious and efficient representative of your organization. I wish him success in his chosen field.

It is my hope that when you convene again, one year hence, you will report the broadcasting industry without an exception as having attained the goal of clean programming. Having accomplished that purpose, you should then take up for consideration and presentation to the Commission your claims for granting longer term licenses.

(The convention arose and applauded.)

PRESIDENT WARD: Commissioner Prall, we thank you for this message you have brought to us today from the Federal Communications Commission and we hope that you will interpret the spontaneous action of this body as our confidential appreciation of you and our pledge to you to cooperate fully with you and the Commission in carrying out your most worth while views governing our industry. Exceedingly happy to have had the Commissioner with us here this morning.

Next on our program is an address by Mr. Andrew W. Cruse, Chief, Electrical Division, United States Department of Commerce. Mr. Cruse has just recently returned from a trip covering the entire continent of Europe, making an intense, close study of television, and he brings us a message this morning which should be of interest to all of us covering the latest developments in television. Mr. Cruse. (Applause.)

ANDREW W. CRUSE (Chief, Electrical Division, United States Department of Commerce; Washington): Mr. Chairman and gentlemen, it was early in 1925 that Baird in England and Jenkins in this country succeeded in demonstrating the practicability of television and almost hourly since then we have read that: "Television in the home is just around the corner!" For some unaccountable reason this mirage of visual transmissions which has been dangled before the eyes of the public has failed to lose its novelty despite this repetition, and any writer has always been sure of attracting a large number of readers through the simple expedient of developing a new angle on the "Television Story". In this respect, the "Television Story" has always reminded me of an old wooden theatrical property horse which was constantly being relegated to the limbo of the dusty old cellar—and just as constantly being dragged out, dusted off and paraded around before an ever-enthusiastic public whenever there has been a dearth of news. I think that I can say without fear of contradiction, serious or otherwise, that from a news viewpoint, television has been the most successful scientific development of all time!

On the fourteenth of May, 1934 a new note crept into this Ravel's Bolero of the "Television Story" when the British House of Commons announced the appointment of a committee:

> "To consider the development of television and to advise the Postmaster General on the relative merits of the several systems and on the conditions under which any public service of television should be provided."

This theme was built up to a terrific crescendo when, on January 14 of this year the British Television Committee rendered its report. The corner had been turned, the wooden horse had blinked his eye, the public cheered, the bearings of the typewriters ran hot, television stocks boomed—in short, a scientific sensation was created which would have dwarfed the story of catching the Loch Ness monster on a bent pin! (Laughter.)

But, in the background of the cheers in the United States could be heard the "Walla-walla-walla" of those incredulous persons who were—and for that matter still are—demanding the answers to their questions—"What are we going to do about it? When are *we* going to have television in *our* homes? What is to be *our* answer to this challenge of our recognized leadership in the field of science?"

That, in brief, was the situation when early in May the United States Department of Commerce decided to make a study of the television situation in Europe because by this time Germany and France were also in the television picture, and advise the electrical and radio industries in this country the exact state of affairs in a fair, unvarnished, uncolored, unbiased fashion. It is only proper that you of the National Association of Broadcasters should be the *first* to hear our findings in this investigation inasmuch as your business will be the one most vitally affected when commercial television becomes an actuality in this country.

Let me just outline briefly the facilities of the Bureau of Foreign and Domestic Commerce available abroad which made this study possible in so short a period of time. As you probably know, we maintain commercial attaches in the principal countries of the world and these offices together with the consular offices of the Department of State are of inestimable value to American business in general. After having studied all the available material on television abroad and having secured letters of introduction to the leaders in that field from the industry in this country, the commercial attaches in England, Germany and France were advised and they proceeded to lay out a schedule of appointments which utilized every minute of the time available. I have probably seen less of the sights of London, Berlin and Paris than anyone who has ever visited those cities!

Before discussing the development of European television in detail, let us first consider what we mean by development. This, I believe, can be given by answering the questions:

1. How many hours of television programs are now being given daily?
2. How many people are looking at those programs and how popular are those programs?
3. What are the prospects for increasing the scope of this television service in the immediate future?

In England, the British Broadcasting Corporation are now offering low definition television programs lasting from one-half to three-quarters of an hour twice each week. These programs are transmitted on a wave length of 261 meters with the accompanying sound on 398 meters using two broadcast transmitters, one for the picture and the other for the accompanying sound. The Baird system, employing mechanical scanning, giving a 30 line picture 12 frames per second, is used for this purpose. In this conection, I wish to say that I think the BBC is doing an excellent job on these programs and I was pleasantly surprised to discover that despite the low definition and objectionable flicker, these programs do have an entertainment value for short periods—lets us say of the order of a half hour. Live talent is used exclusively on these programs and everything from a condensed version of "Carmen" to vaudeville acts is offered.

When I inquired about the number of television receiving sets in service in the British Isles, I received estimates which ranged from zero to 10,000. The British Post Office people, however, who are in the best position to make an estimate, gave the figure of less than one hundred. Please bear in mind that these BBC low definition programs which are offered twice weekly and received by a maximum of one hundred receiving sets comprise the only public television service now being offered in Great Britain. Both the Baird Company and Electrical and Musical Industries (EMI) are transmitting experimental high definition television but inasmuch as no high definition receiving sets can now be purchased, these transmissions can in no way be considered as a public service.

Now, as to the prospects for increasing the scope of British television in the near future. On June 7 the Postmaster General announced that he had received "a communication from the Television Advisory Committee regarding the choice of a site for the projected London Television Station and other matters relative to the proposed experimental television service." You will note that the Postmaster General refers to this as the "proposed *experimental* television service". The announcement goes on to state that the Alexandra Palace has been selected as the location and that Baird and EMI have been called upon to submit bids for the transmitters to be used at that location. There is no reason to doubt that these bids will be accepted and the chances are that late this winter or early next spring high definition television service will be inaugurated by BBC using alternately the EMI 405 line 50 frame interlaced and the Baird 240 line 25 frame sequential transmitters. It is now proposed to operate one hour each morning and two hours each evening using 6.6 meters for vision and 7.2 meters for the associated sound signals. High definition television receiving sets capable of receiving programs sent by either transmitter i. e., Baird 240 or EMI 405, are expected to make an appearance about the time the bids for the transmitters are actually accepted—which will probably be some time this fall. It is anticipated that their minimum price will be the equivalent of $250. I honestly believe that the British public want television although I would hesitate to say that they are insisting on it! Some over-enthusiastic writers have given the impression that the receiving sets will be sold for approximately $100 and I strongly suspect that when the public discovers that sets will cost more than twice that figure, whatever enthusiasm they may now have for the new television programs will be lost to a considerable extent.

The British Radio Manufacturers Association have consistently refused to have anything whatever to do with television on the grounds that the attendant publicity has already reduced their sale of radio receiving sets materially. However, my conversations with several of the larger manufacturers gave me the impression that the total sale of these sets for 1935 will be fully up to the 1934 figures—in spite of television. As a matter of fact, I understand that the RMA is now considering the idea of allowing manufacturers actually to show television receiving sets at their August radio show.

The British Post Office are firm in their belief that a Television Patent Pool is essential and preliminary negotiations are now being carried on by the principal patent holders. There can be no doubt of the successful conclusion of these negotiations but I assure you that any mediation board which must determine how royalties will be distributed certainly has my sympathy.

You will probably be interested in the attitude which the motion picture industry in Great Britain has taken toward television. I had the pleasure of discussing this question at some length with Mr. Alexander Korda, director of such excellent productions as Henry the Eighth and the Scarlet Pimpernel. His reaction is that at the present time television is a distorted art in that it presents figures on a small screen accompanied by sound on a normal level. It is his feeling—and he emphasized the fact that he is not a technical man—that some new development will be made which will permit the showing of television images on a large screen in the home but even then he feels that the human psychological urge which has always made people enjoy their entertainment in groups in the atmosphere of the theatre will prevent television from becoming a serious competitor of the motion picture for a long, long time. On the other hand, Mr. Korda suggests that the motion picture industry has developed so much in the technique of lighting, staging and sound that it is to be exepected that they will be called upon to a great extent to assist in the development of studio technique for television.

The attitude of the Gaumont-British Company is clearly reflected in their purchase of the controlling interest in the Baird Television Company!

Experimental work is being carried on in the field of coaxial cables for the land line relay of television programs from one city to another and there is one unconfirmed report that the British Post Office hope to have a coaxial cable link between London and Birmingham before our New York-Philadelphia coaxial cable is placed in service. In view of the fact that they speak of their cable as being capable of handling a frequency band of but 1.5 megacycles, I seriously doubt if they can, or will, plan to use it for television relay work.

Their ultimate plans call for the erection of twelve transmitters to cover the principal population centers of Great Britain and it is confidently predicted that four or five of these will be in service by the end of 1937. The confidence of the prospective manufacturers of television receivers is reflected in their prediction that 50,000 of those sets will be in service by the end of 1936 and from five to ten times that many more by the end of 1937.

One thing which impressed me greatly was that in all of these rather optimistic plans for the future of British television, the ability of the BBC to provide interesting programs seem to be taken for granted. To my mind, the whole success or failure of the project hinges on this point. One engineer estimates that if all of the motion pictures produced in England and all of the films imported by them from other countries were to be presented to the television audience, they would still only have enough material from that source to provide a program ten minutes per day. That, according to their present schedule, would still leave 170 minutes each day where live talent would have to be used! To be sure, the studio technique which BBC has developed in their presentation of their low definition programs will certainly stand them in good stead but at the same time I could not blame them if they viewed with alarm the task of having to provide material for 21 hours per week as against their present maximum of 3 hours.

In considering television from this angle, the question logically arises, "Who is going to pay the bills?" It should be remembered that approximately seven million listeners are now paying license fees of two dollars and a half per year of which the BBC receives a dollar and twelve cents and the balance goes to the treasury. It is now proposed to increase the BBC share of the license fee to two dollars and twenty-five cents, thus giving them approximately $15,750,000 annually on which to operate both sound and visual services. It is most interesting to note that this new proposal has caused practically no adverse criticism from license holders in areas not to be served by the television programs.

As you probably know, the British Broadcasting Corporation's charter expires December 31, 1936 and it is going to be most interesting to observe what effect this venture into this new field will have upon its future!

From London I went to Berlin where I was most graciously received by everyone having anything to do with the development of television in Germany. At the present time they are giving 180 line 25 frame sequentially scanned transmissions from a seven meter transmitter in Berlin. The Broadcasting Company of the Ministry of Propaganda provides a two-hour program three nights a week and the Post Office supplies programs in the mornings and afternoons and on alternate evenings. Several places are provided in Berlin where the public may view these programs and they are proving most popular. Inasmuch as practically all the program material is provided by films, repetition is not infrequent and occasionally an old firm leaves much to be desired. Generally speaking, however, the quality of these transmissions is excellent and impresses one with the high entertainment value which can be secured with a 180 line picture.

While the German engineers expect to carry on their experiments using 180 lines, they plan eventually to go to 270 line pictures. This latter figure has been arrived at as the most economically satisfactory standard, taking into consideration transmission costs and land line relays using coaxial cable. They are confident of their ability to manufacture long haul cables of this character capable of handling a band of three megacycles. The maximum frequency band which they have been able to handle by cable so far is five megacycles and that, they quite frankly admit, could only be accomplished over a distance of approximately 100 meters. The Post Office is considering the laying of a three megacycle cable between Berlin and Frankfort some time in the future and expect to use this cable for the relay of television programs. You may be interested to know that the Germans are also planning to present the Olympic Games in 1936 by television.

The German Ministry of Propaganda are most interested in securing broadcast coverage in those areas which are now in "dead spots." In view of the fact that practically all of the frequency bands available to that country are now in use, they expect to cover those "dead spot" areas with ultra-short wave, probably using seven meters, and equipping each new location with both sound and television transmitters at the same time. In order to secure television coverage of the principal population centers of the entire country, it is estimated that twenty-five 20-kilowatt ultra-short wave transmitters will be required. A survey of the locations of these transmitters has already been started using a full power (20-kilowatt) "transportable" transmitter for both sound and television. This "transportable" transmitter was built by Telefunken Gesellschaft fur Drahtlose Telegraphie and is mounted on several large trucks—one truck carrying a Diesel-driven power plant. It is anticipated that these field strength surveys will require approximately two weeks for each locality and as soon as a locality has been approved, work on the permanent transmitter will be started.

At the present time no high definition television receivers are being sold but all of the principal manufacturers are planning to show models at the August Radio Show, at which time they will be available for sale. The manufacturers would really prefer to have the transmission standards raised to 270 lines before offering their sets for sale because they feel that the 180 line work is not sufficiently good to stimulate sales. As a matter of fact, they are only estimating their 1935 sales to be one thousand receivers in the Berlin area where the present television programs are covering an area occupied by a population of seven million. A patent pool is being formed and negotiations in this direction are proceeding very smoothly indeed. While natural competition exists between the various German radio manufacturers, they seem to be able to get together in the solution of their mutual problems in a very commendable fashion. It is anticipated that television receivers which will be adaptable to the 270 line standard will sell for from $240 to $500. In order to get these prices reduced as quickly as possible, the Loewe Company have already laid out an assembly line and are ready to go into quantity production in a very short time.

The Broadcasting Company have a very interesting piece of equipment which they call their "Fernseh Wagen" which they use to cover news events. This truck, which was first used by the Reichs Rundfunk Gesellschaft at the May Day ceremony at the Templehof Aerodrome at which Chancellor Hitler spoke, consists of a low-powered ultra-short wave transmitter for both sound and television, using the intermediate film method. The program is relayed by the high-powered Berlin transmitter and the transmission was declared most satisfactory by people who saw it. Speaking of this "Fernseh Wagen" which the Laboratorium der Fernseh A. G. manufactured, having looked that over, I strongly suspect that Rube Goldberg is on their staff of engineers. (Laughter) On the top of the truck, they have a box that looks like a coffin. They get on location and the box is pushed back and up comes a motion picture camera. Microphones are taken out and placed. The camera man turns it over. The reel of film is fed down through the truck after it is exposed, goes through the tank, is developed, washed, is fixed, is washed and then comes through and is televised. Now, if they don't want to keep that particular piece of film, they put it through another piece of apparatus that emulsifies it, re-emulsifies it, dries it and reels it up again ready for scanning.

The interval of delay between the taking of the picture by the camera mounted on top of the truck and the time when that picture has been televised is approximately ninety seconds. The Broadcasting Company engineers feel that the high speed with which it is necessary to develop and fix the film does not give a satisfactory sound track and are consequently preparing to record the sound by the steel tape method developed recently by the Lorenz Company.

Incidentally, in this connection, they hope to be able to use the intermediate film method at the receiving end so the process would be the raw film would be exposed to the television receiver, then go down, be developed, washed, fixed, washed and then come through a projection device and be projected on the screen. Now, we are going to have a minute and a half at the transmitter for development and a minute and a half on the receiving end before coming up on the screen. Consequently, the interval between the taking of the picture and the time it appears on the screen will be three minutes. They get around that nicely by recording on steel tape and having this tape play around three minutes before synchronized with the picture.

Television is moving ahead in Germany on what certainly appears to be a most thorough basis and the cost is being carried by the license fees plus an additional governmental appropriation.

In France, the Ministry of Posts and Telegraphs are extremely interested in having their country match the television developments in England and Germany and are doing everything in their power to speed up this work, realizing that they are behind those two countries in this respect. They have started experimental 60 line 25 frame transmissions on 175 meters but no regular schedule is maintained. The French hope to be able to go to 90 lines and then to 180 lines as quickly as practicable but I seriously doubt if much progress in this direction will be made before 1936. I was very much amused to read a handbill which was passed out at a recent radio show by the French Radio Manufacturers and which translated read:

"Television is not here and even if it was here, receiving sets would be too expensive for you to buy.

"All of this television propaganda which you hear is being started by the German, von Ardenne.

"If you could buy television receiving sets, they would use extremely high voltages of from 4,000 to 5,000 which is the same as is used to kill criminals in New York." (Laughter)

The effectiveness of this appeal is demonstrated by the fact that it was necessary to install a moving carpet before the only television receiver shown in order to prevent a traffic jam! (Laughter)

That, gentlemen, is the present stage of development of television in Europe. I might also mention that some work is being carried on in other European countries notably Russia and Italy. So far these developments do not appear to have progressed very far, but mark my words, we are due to see an entirely different picture in the next two years, particularly in England and Germany.

Now then, what are we going to do about television in the United States? It is my own opinion that we should continue along our present line and, in addition, closely observe the European picture. The technical development of television is still in a state of flux and much work in the laboratory still remains to be done. You of the broadcasting industry must develop studio technique before you can hope to enter this field satisfactorily and, if I may be permitted to make a suggestion, I think you would be wise to appoint a committee here at this convention whose duty it would be to keep you advised of these developments. I might even go so far as to suggest the employment of an observer in Europe as an assistant to such a television committee. One comforting thought is that American interests in Europe are in the very forefront of the entire European television picture. EMI in England, Lorenz in Germany and Standard in France can be relied upon to keep pace technically with the best of them. But, in operating practice, the actual presentation of programs, that's where we must keep abreaast of their progress and that's what you must observe.

In Europe, the governments are directly or indirectly supporting and operating broadcasting and television; in the United States it is my own personal belief that the interests of both broadcasting and television can best be served without government assistance. With recovery and when you feel that the time is ripe for it, you will undoubtedly be able to add television to your present service and present television programs in the same thorough fashion in which you are now presenting your broadcasts. In the meantime, let us be patient observers! (Applause.)

PRESIDENT WARD: Mr. Cruse, we appreciate this most interesting discussion on the developments in television, and if the representative he suggests to act as European adviser by going there can learn to pronounce those German names as fluently as Mr. Cruse, then I think I shall put in my application for that place because it must be lots of fun.

Next we'll have the report of our Managing Director, Mr. Philip G. Loucks. (Applause.)

PHILIP G. LOUCKS (Managing Director, NAB; Washington): Mr. President and gentlemen: on May 13 I addressed a letter to President Ward stating that I will not be a candidate for reappointment upon the conclusion of my present term which terminates with this convention, and, therefore, this will be the last report which I shall submit as your Managing Director.

During the four and one-half years I have been privileged to serve you, the membership of your Association has climbed steadily from 42 in 1930 to 387 as of today. In 1930 your Association was heavily involved in debt; today it has no outstanding obligations. Since the last membership meeting, 15 members were dropped for non-payment of dues and 10 resigned. During the same period, 42 members were admitted to membership.

The system of paying dues, based upon published rates, adopted at your last meeting and which became effective on October 1, 1934, has worked satisfactorily. This system is far superior to the former system which was based upon a percentage of gross receipts.

There was submitted to you in accordance with the Constitution and By-laws of the Association and pursuant to action of the Board of Directors, proposed amendments to the Constitution and By-laws. The purpose of the proposed amendment is to create a new class of membership to be known as associate membership. Under the existing Constitution and By-laws all members are active members and entitled to full voting privileges irrespective of whether or not such members are licensed broadcast stations. This new class of membership sought to be created would have all of the rights and privileges of active members, except they would not be accorded the right to vote at membership meetings. The effect of the proposed amendments, therefore, is to limit the voting privilege at all meetings to active members, that is, to broadcast stations holding licenses from the Federal Government. Adoption of these amendments is recommended by the Board of Directors and should be acted upon at this meeting.

The headquarters staff of your Association at this time consists of your Managing Director; James W. Baldwin, Assistant Managing Director; James C. McNary, Technical Director; Dr. Herman S. Hettinger, Research Director, on leave from the teaching staff of the University of Pennsylvania; Miss Bert Siebert, secretary to the Managing Director, Miss Ella Pharoah, stenographer; and one part-time employee. Mr. Baldwin rejoined the staff of your Association after the Supreme Court of the United States held the National Industrial Recovery Act unconstitutional which resulted in the dissolution of the Code Authority for the Radio Broadcasting Industry. During the year the Association also has had the benefit of the services of Henry A. Bellows, who for eight years served as chairman of your Legislative Committee. Oswald F. Schuette, while remaining as president of the Radio Program Foundation, has had no official position with the Association since the last membership meeting.

The books of your Association were audited by a certified public accountant at the close of the last fiscal year and the detailed report was published to the entire membership in NAB Reports. The books were audited at the close of business on June 30 and I have just received the auditor's report. It shows that a total of $36,152.79 was received from dues and that $36,643.31 was disbursed for necessary and proper expenses of the Association. All expenses are in accordance with budget estimates approved by the Board. The growth of membership has outmoded the present system of keeping financial records and at the request of your Managing Director, the auditors recommended a more complete bookkeeping system. This improved system was installed on July 1, 1935.

All money collected for the special copyright fund is in charge of your Treasurer and has not been commingled with the funds of the general treasury.

Upon request of the Washington state broadcast stations, the Executive Committee solicited funds to assist Station KVOS to finance the appeal taken by the Associated Press from the decision of Judge John C. Bowen of the United States District Court for the Northern District of Washington, involving rights in news. Fifty-five stations contributed a total of $1,839.40 to this fund which will be turned over to Station KVOS. In collecting this fund, the Executive Committee acted simply as a medium through which contributions were made since the Association had had no opportunity to act upon the matter. Because of the importance of the issue to both broadcast stations and newspaper publishers, the Executive Committee felt it was entirely justified in rendering this assistance. Ten members of the Association registered protests against this action in the erroneous belief that the mere collection of funds committed the Association to a policy of news piracy. Neither the

Board nor the membership has acted on this matter. At the present time the case is set for argument in the Circuit Court for September of this year.

Nine months have elapsed since our last membership meeting. This is the shortest period between meetings in the history of the Association but it has been the most active. The program laid down at the last meeting has been carried into effect in almost every detail.

There have been many meetings of your Executive Committee and the Board has held three meetings. Your principal committees have given generously of their time and efforts to your problems and you will hear with interest the reports of their accomplishments. The program of this meeting has been arranged to afford adequate opportunity for discussion from the floor of all of the important problems and you are urged to participate in this discussion. It is proper that you should regard this as a meeting and not a convention. The substantive law of this Association makes it perhaps the most democratic of all trade organizations and each member, regardless of the size or location of his station and regardless of the dues he pays, is entitled to the same voting privileges and the same rights to participate in the activities of the organization. The Association has but one purpose and that is to serve you. It is up to you to determine the extent of that service.

Last year you instructed your Managing Director to promulgate a system of agency recognition for our industry. That work has been completed. It has been considered by the Commercial Committee and is now submitted for your action. The question has been given much thought and study. The underlying theory is that each member should control his own recognition in accordance with uniform standards and upon factual information supplied from a central source. The system admits of a number of successive and progressive steps and combines the important feature of credit service. It is estimated that the cost during the first year will be $16,350.00 with a reduction in cost in subsequent years. The cost of this service should be borne by those availing themselves of it and should not be put into operation until at least 125 stations agree to its adoption and contract to underwrite the first year's cost of administration. A limited number of mimeographed copies of the proposed plan are available and your study is invited.

Immediately after the decision of the Supreme Court of the United States holding the National Industrial Recovery Act unconstitutional, the Code Authority for the Radio Broadcasting Industry was dissolved. Notwithstanding the abandonment of the code, however, members have, as a general rule, voluntarily accorded to workers the gains they acquired under the code and have abided by the trade practices which were set up. It was generally recognized that our code was one of the most successful of all those promulgated and much of the credit is due to James W. Baldwin, Code Executive Officer, for his excellent administrative work.

At the Board meeting held June 22, President Ward appointed a committee under the chairmanship of Alfred J. McCosker to devise ways and means to retain the benefits which have accrued to our industry under the former code. This committee will report during this meeting and its report should be given careful consideration. Whatever its recommendation may be, it is my belief that the broadcasting industry has demonstrated that it is capable of self-regulation.

In this connection, it has always been my opinion that stations should be given the greatest possible autonomy to operate their businesses in the public interest. Adherence to sound business practices and to proper program standards should be voluntary. If there are those in our industry who lack the requisite character or financial responsibility to operate stations in harmony with accepted standards of public interest, the licensing authority and not our industry is responsible, for these are matters which must be considered by the licensing authority before authorizing construction and operation of stations. This is not by way of saying that we have no responsibility for the general improvement of the total sum of service. We do have that responsibility and we have accepted it willingly. And, what is more important, we have done something about it.

Under the terms of the resolution adopted by the membership last year, the Cost Accounting System recommended by your committee has been published and circulated among the members. Sample forms are now being developed and these will be ready for distribution shortly. The system has been formulated with a view to its installation by the smallest as well as the largest unit. You are urged to give consideration to its installation at the earliest possible date. Many have already adopted it.

All of you are familiar with the various regular and special reports issued by the Association. However, I want to mention with particularity the monthly and yearly statistical reports which have grown in value each month. The compilation of these reports has been the work of Dr. Hettinger. These reports are the only comprehensive source of national advertising volume data and have been accepted by agencies, advertisers, governmental bureaus, research workers and the trade press, and constitute a valuable aid to broadcasters generally. They have made possible the important work which the Association has done in the field of retail advertising and were of material aid in the preparation of the manual on retail advertising recently published by the National Retail Dry Goods Association. Likewise these reports have constituted the foundation upon which other studies, now in process, will be based.

At the last meeting, the Association authorized the formation of state NAB committees and subsequently the Board instructed your Managing Director to proceed with this organization work. Press of business in Washington rendered it impossible to complete the trip planned but it was possible to bring into existence such committees in the states of Alabama, Arizona, New York, Louisiana, Massachusetts, Tennessee, Ohio, Kentucky, Washington and Iowa, while in other states and regions where semi-official organizations exist, the Association has enjoyed their fullest cooperation. Organization of these committees should be continued and it is of the highest importance that their authority be limited to purely state matters since departure from that policy might easily jeopardize the national unity which has been responsible for the success of the Association in national matters.

These committees have concerned themselves principally with tax matters and libel and slander bills. While on this subject, I should point out to you that since the last meeting more than 120 state bills affecting broadcasting were introduced and each received study of the Association. Because of the lack of funds and the inability to organize all states completely, the assistance given by the Association was not adequate. Experience has shown that the state legislative service, principally in the field of taxation, is one of the most valuable which the national organization can render. Provision should be made to reorganize and greatly improve this service and funds should be made available for this purpose. This question is discussed in greater detail in a report which has been prepared by Mr. Bellows and which will be read tomorrow.

Litigation growing out of state and municipal tax statutes and ordinances has assumed serious proportions and I will leave the report on this subject to Mr. Bellows' statement.

Because of the press of other business, there has been little activity in the Federal Congress affecting broadcasting. Among the bills affecting our industry now pending in the Congress are measures providing that unsuccessful applicants should bear the cost of proceedings; repeal of the so-called "Davis Amendment" providing for mathematical distribution of facilities; and that there should be created a new Federal Radio Commission for the purpose of providing wholesome radio programs, free from monopolistic domination and control on the part of vested interests. None of these measures has reached the stage of committee consideration.

Last year the Federal Trade Commission extended its survey of newspaper and magazine advertising to radio advertising. In this the Association pledged its fullest cooperation and the extent of that cooperation is evidenced by the Commission's own statement of appreciation. Every station licensed by the Government submitted commercial continuities for examination by the Commission and while the Commission has made substantial progress in eliminating false and misleading advertising, it has not been necessary to take action against a single broadcast station.

Commercial copy has improved during the last year. Programs likewise have improved. As business recovery advances and the economic status of stations enhances, the public may expect further improvements. That the public may look forward to continued improvement in program service is unique under our typically American system of broadcasting—a system which throughout the most serious depression the world has ever known has kept to higher program standards than any other nation in the world. Tested in the crucible of the most adverse conditions, our system has proved itself fundamentally sound.

Recently, in the minds of some students of broadcasting there has arisen fear of possible conflict of authority between the Federal Communications Commission and the Federal Trade Commission. This has been stimulated by the action of the Communications Commission in setting for hearing the renewal applications of a large number of stations for broadcasting a certain type of advertising matter. At the same time, the Trade Commission was giving consideration to the same advertising matter. In my mind, there is no conflict of authority between the powers of the two Commissions. The Trade Commission may consider the advertising claims made by the producer of any particular product and takes jurisdiction if such claims are false and misleading; and even if it should find that such claims made over a station are, in fact, false and misleading, the Communications Commission may consider such accounts only in connection with the total program service rendered by the station to the public. The licensing authority must weigh total service of the station. The Trade Commission can consider the claims of particular advertisers. Furthermore, the Communications Commission has no power of censorship either direct or indirect. As stated by Chairman Prall and other of his associates on the Commission, this is a proper conception of our American system of broadcasting. Each of the two Commissions has its proper sphere of authority and the line of demarcation between their powers is clear.

The desire on the part of members of the Association to comply strictly at all times with the regulations of the Government and to adhere to rules which will protect the public has led several of our state committees to request our Association to create a bureau which would have as its function approval or disapproval of advertising claims and products. Even if it were practical to do so—and it is not—such a course would be unwise to follow. Each station must accept or reject accounts and copy in the exercise of its own good judgment. But our Association can do this: we can supply information upon which decision can be made. In fact, we have already instituted such a service in NAB REPORTS and this service should be greatly amplified and improved.

I shall not dwell upon the Copeland Bill to revise the food and drugs act because a discussion of this measure is included in Mr. Bellows' report.

The present allocation of facilities for broadcasting established in 1928 has undergone no basic change. During the year the Federal Communications Commission, in conjunction with certain clear channel licensees, undertook a survey of secondary coverage but the results of this survey have not yet been announced.

During the past four years the Association has taken an active part in international radio conferences. Mr. McNary represented the Association at the Third CCIR Meeting in Lisbon in 1934 and his work won high commendation of the chairman of the United States delegation. It is important to point out that the CCIR meetings, which deal only with technical matters, are the only international conferences in which the Association may be allowed the privilege of the floor. The findings of the CCIR are advisory, in accordance with the Madrid convention, but have an important bearing on the administrative conference proposals. The next CCIR meeting will be held in Bucharest in 1937 about six months prior to the forthcoming administrative conference at Cairo during the winter of 1937-38. Many of the opinions of the 1934 CCIR meeting which refer to the broadcasting art will be revised and expanded at the Bucharest meeting in preparation for the Cairo conference. The broadcasting industry's interest in international conferences demands adequate representation during the preparatory work and during the conferences themselves.

The importance and force of unified effort of the broadcasting industry was never better exemplified than during the hearings before the Communications Commission last October held in connection with Section 307 (c) of the Communications Act of 1934 which directed the Commission to study the proposal that Congress by statute allocate fixed percentages of broadcasting facilities to particular types of non-profit programs or to persons identified with particular kinds of non-profit activities. The hearings continued for five weeks during which the industry gave an impressive demonstration of what the broadcasting industry can do when it acts in unison. Preparation and presentation of the case for the industry was in charge of your Managing Director and Mr. Bellows. Upon the conclusion of the hearings, a 55,000 word brief was prepared and presented to the Commission. On January 22, 1935, the Commission sent its report to Congress. After reviewing the testimony presented at the hearings, the Commission reported: "The Federal Communications Commission respectfully recommends that at this time no fixed percentages of radio facilities be allocated by statute to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities."

On May 15 and 16 the Commission called a general conference at which your Association was represented by your President who joined with others present in urging that the Commission appoint a committee of educators and broadcasters to study the subject of the use of radio in education. The Commission accepted the suggestion and has appointed Dr. John W. Studebaker, United States Commissioner of Education as Chairman. Other members of the committee will be named later.

At each of your last two membership meetings, resolutions were adopted urging elimination of the announcement relating to electrical transcription. On June 20 the Communications Commission held a general argument on the question of revision of Rule 176 and the views of your Association as defined in the resolutions were presented by Mr. Arthur B. Church, chairman of the Commercial Committee. The Commission has not yet reached a decision on this matter.

During the Cincinnati membership meeting you adopted three resolutions on the subject of music copyright. The first of these directed your officers and directors to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, and others, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners. The second was in the nature of a petition to the Congress to amend the existing copyright law by omitting the language which fixes the minimum innocent infringement penalty for the public performance of musical compositions at $250 and leaving the court free, in each instance, to fix such damages as in its discretion the Court shall deem proper. The third related to the reorganization of the Radio Program Foundation for the purpose of obtaining for radio stations the air rights to such music as may not otherwise be available.

Taking up the second of these resolutions first, your Managing Director, with the capable assistance and cooperation of Sydney Kaye, attorney for the Columbia Broadcasting System, and Stuart E. Sprague, attorney for the National Broadcasting Company, represented the interests of broadcasters at conferences held by the Department of State for the purpose of drafting amendments to the copyright laws in order to enable the United States to adhere to the International Copyright Union. The bill, as finally drafted, was introduced in the Senate by Senator Duffy of Wisconsin, and companion measure was later introduced in the House by Congressman Bloom of New York. These bills, while broadening the rights of authors and composers, propose certain outstanding changes in the present copyright law. The principal features are: (1) establishment of "automatic copyright" (that is copyright without the necessity for complying with any formalities, but with sharp limitations on the right of recovery of damages for infringement wherever registration and notice of copyright have not been had); (2) a material enlargement of the "writings" for which copyright may be secured, but no acceptance of the general European theory of "oral" copyright; (3) a considerable limitation of the right of injunction in cases where infringement of copyright is claimed; (4) complete elimination of the fixed minimum statutory damage provision of the existing law, leaving the measure of damages in each case to be determined by the Court; (5) the grouping together of all infringements by any one infringer up to the date of judgment, with the provision that any unauthorized network performance shall be regarded as the act of one infringer; (6) the reversal of the present law, as established in the Jewell-LaSalle case, by providing that there shall be no liability, civil or criminal, for the reception of any copyrighted work by the use of a radio receiving set, except where special admission fees are charged; (7) a provision regarding the "author's moral right," based on the very broad provisions of the Rome Convention, but so modified as to give users considerable freedom in adapting copyright material for special requirements.

The Senate Committee on Patents reported favorably the Duffy bill on June 17 and all members were urged to communicate with their Senators urging that the bill be passed without amendment. It is strongly recommended that you launch an energetic campaign to secure early enactment of this legislation.

The Radio Program Foundation has been inactive during the past few months. It is urged that consideration be given to reorganization of this organization and that it be made to function in your interest. The idea underlying the Foundation is sound but it can succeed only if every element in the industry will cooperate in the endeavor and contribute to its financial support. It is strongly recommended that you appoint a committee to consider the reorganization of this Foundation and make recommendations to the industry at an early date.

I come now to the first and, in many ways, the most important of the three resolutions. On August 30, 1934, the United States Government instituted suit against the American Society of Composers, Authors and Publishers, and others, and on June 10, 1935 trial of this suit commenced in the Federal District Court for the Southern District of New York. After less than two weeks of taking testimony, the case was adjourned until November 4 when it will be resumed. This suit does not seek to dissolve the Society but seeks to establish competition among copyright owners in the determination of royalties. In other words, it seeks to establish the method which your Association has adopted by formal resolution.

After the suit was instituted and before the date of trial, conferences were held between the Copyright Committee headed by Alfred J. McCosker and a committee of the American Society. Representatives of the National Broadcasting Company and the Columbia Broadcasting System participated in these conferences as did your copyright counsel, Mr. Joseph C. Hostetler of Baker, Hostetler, Sidlo and Patterson, and your Managing Director. Sharp, but honest, differences of opinion developed among the broadcast industry's representatives during these conferences. Tomorrow morning has been set aside for the purpose of discussing this question and I shall not go into details here, except to say that your copyright counsel and your Managing Director felt themselves bound by the resolutions adopted by the Association and made every possible effort to secure approval of a so-called measured service plan and to cooperate with the Government. The NAB proposal was refused by the Society and subsequently the Society offered a five-year extension of all contracts in exactly their present terms. The National Broadcasting Company and the Columbia Broadcasting System and Station WCAU have accepted five-year extensions. I do not know whether others have done so.

On June 22 a meeting of the Board was called in New York and representatives of the National Broadcasting Company, the Columbia Broadcasting System, Station WCAU, Chairman McCosker and Mr. Hostetler appeared and outlined the events which had transpired and offered explanations of their positions on the subject. A copy of the statement made by Mr. Ashby of the National Broadcasting Company at this time was published in NAB REPORTS by direction of the Board. After hearing the statements, the Board adopted the following declaration of principles and facts:

> "1. The Board reiterates that the so-called 'per piece plan' or 'measured service plan' is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.
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> "2. The Board believes that the two networks and Station WCAU when they accepted a five-year etxension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the Copyright Committee of ASCAP a 'per piece' or 'measured service plan' prior to the expiration of present contracts; and that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry to have available upon the best terms possible the repertoire controlled by ASCAP; and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.
>
> "3. The Board of Directors believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years from January 1, 1936, (1) in the light of the requirements of his station, (2) his contract commitments, if any, either to the networks or advertisers and (3) the fact that the suit being prosecuted by the United States has been continued until early in November 1935, and, therefore, in all probability, cannot be decided by the trial court prior to the date of the extension of the present license already granted which is January 1, 1936."

I shall not dwell further upon this subject at this time since you are to hear the reports by your own Copyright Committee, Mr. Levy and Mr. Hostetler tomorrow and I know you are all eager to hear full details of the negotiations. But, I do want to leave this thought with you: you will never settle your copyright difficulties in a spirit of dissension and disunion. Music copyright is one of your most serious problems. You have been many years trying to solve it. Solution is not impossible. Strongly organized, determined to fight and armed with right, you will win. I still have enough confidence in our industry to believe that notwithstanding disagreements and misunderstanding of differing views, you will eventually win out.

This report is not complete. I have tried only to cover briefly the high spots of the last nine months' activities. These activities will be covered more fully in reports of committees.

I cannot bring this final report to a close without expressing my sincere appreciation for the splendid support and cooperation I have enjoyed from all of you at all times. Whatever progress the Association has made has been due to your willingness to work together in harmony upon common problems. It is my sincere hope that the Association will continue to grow in size and effectiveness and that nothing will ever destroy this organization.

It has been a pleasure to work with your President, your other officers, directors and committees. The headquarters staff of your Association has served you loyally and willingly and I believe in choosing my successor, you will find no one better qualified to carry on the policies of the Association than my present assistant, James W. Baldwin.

I want to report that Mr. Hostetler, your copyright counsel, has worked at all times in the interest of the copyright program you have formulated.

I want to express here my personal thanks to Ed Spence who has served as general chairman of your Convention Committee for five years and through whose capable management the Association has held the five most successful meetings of its history. Our registration of members and guests at this time is 442.

I ought to say a word of appreciation also for Gene Cogley, my former assistant and now of BROADCASTING, who for the past three years has volunteered his services from opening until closing of our convention.

As I retire from the Management of the Association, I am happy in the thought that I have had some small part in building this organization as it exists today and in the formulation of its policies. I have endeavored to serve loyally if not efficiently; willingly if not effectively. The many friendships that have resulted from my service I shall always treasure. I can wish my successor nothing better than that he shall have the support and cooperation from you that has been mine to enjoy.

(The convention arose and applauded.)

PRESIDENT WARD: Phil, on behalf of the Association, I want to extend to you our thanks and appreciation for this splendid final report that you have made of your stewardship as Managing Director of our Association. Again I want to repeat that this Association is going to feel your loss very keenly. Our best interest and good will continue to be with you in your private practice of law.

We now come to the appointment of committees. I shall not appoint the Elections Committee until the afternoon session. I shall, however, at this time appoint your Nominating Committee. I have on this list eleven representative members of our industry. I have tried to the best of my ability to select representative men in this industry representing a cross-section of its interests. I am going to appoint this committee now and ask that they report here immediately after the adjournment so that a room may be assigned to them for the consideration of the various ones to be appointed to NAB offices and the directorships. This committee is going to be asked to make a final and definite report at the close of tomorrow's session. I see no reason for continuing their deliberations until Wednesday just prior to the election of officers. It is my desire that they report promptly at the close of tomorrow's session so that the membership at large may have ample opportunity to consider the report of the Nominating Committee over night and through the Wednesday morning session until the time for the election of officers. In that way, you will have ample opportunity to consider the qualifications of the various ones recommended by the Nominating Committee.

I also want to point out to the Nominating Committee and the membership at large that it is not necessary for them to bring in just one slate. The rules governing the elections will be read. Our Constitution and By-laws are very clear covering election of officers and will be read to the Nominating Committee. We want them to report promptly at the close of tomorrow's session so that ample consideration may be given to their recommendations.

As President, I am going to appoint John J. Gillin, Jr., L. B. Wilson, Arthur B. Church, M. R. Runyon, William S. Hedges, Edgar Bill, E. B. Craney, John McCormack, Steve Cisler, Charlie Hill and Sidney Bliss.

This committee, as I stated, is asked to report here immediately after adjournment so that a room may be assigned to them and we want them to go to work immediately so that there will be no question of a final definite report at the close of tomorrow's session.

LAMBDIN KAY (First Vice President, NAB; WSB, Atlanta): While, in accepting Phil's report, I think it is the worst that he has ever made, I'd like it to be converted to the best by simply changing the tense and I'd like to eliminate the statement in the first paragraph that he is not a candidate for reappointment.

(Announcements.)

PRESIDENT WARD: Mr. Gedge has asked that he be recognized for an announcement to this body.

W. W. GEDGE (WMBC, Detroit): Thank you. Mr. Chairman and gentlemen, I want to take this opportunity of correcting a very erroneous impression that seems to have been scattered broadcast through this Association.

I have been working very closely with Mr. Allen in the formation of an association of the independent local stations. The rumor has gone out that we are planning to pull out from the NAB. I want to assure you now that this has never entered our head for one single moment. We want to do everything we can to forward the interests of NAB. We need them. Our problems as small stations in a great many cases are different from the general problems of this Association. This organization is being formed for only one purpose and that is to increase, if possible, the revenues of the smaller stations. That is the only thing that we have at heart and the only interests toward which we are working and please be assured that we have no intention whatever of causing any schism in the ranks of this Association. We are going to have a meeting at 7:30 tonight in the Ball Room and will be very glad to have all the local independent stations meet with us at that time.

PRESIDENT WARD: Gentlemen, we got off to a bad start this morning. We are now going to adjourn until 2:00 o'clock. Let's be back promptly so that the meeting can be started at 2:00 o'clock.

(The meeting adjourned at 12:30 o'clock)

JULY 8, 1935

Monday Afternoon

The session convened at 3:00 o'clock, President Ward presiding.

PRESIDENT WARD: Gentlemen, it is now 3:00 o'clock. I must apologize for being one hour late in opening the afternoon session but it seems almost unavoidable since there are so many of us here and the dining room service is rather limited. We hope to do better in the future.

First I want to announce the committees on resolutions, elections and credentials.

RESOLUTIONS COMMITTEE

H. K. Carpenter, *Chairman*
Walter J. Damm
W. W. Gedge
Lambdin Kay
Gardner Cowles

ELECTIONS COMMITTEE

H. Dean Fitzer, *Chairman*
Hoyt Wooten
Glenn Snyder

CREDENTIALS COMMITTEE

Jack Storey, *Chairman*
H. W. Slavick
Herbert Hollister

I am now going to ask Mr. Myers, our Vice President, to take charge of the meeting.

C. W. Myers (Second Vice President, NAB; KOIN, Portland, Oregon) took the chair.

CHAIRMAN MYERS: According to the program, the first order of business is the report of Arthur B. Church, chairman of the Commercial Committee, to be followed by the report of the Special Committee on Trade Practices by the chairman, Alfred J. McCosker. At the suggestion of Mr. McCosker, whose report contains much of the same material contained in Mr. Church's report, Mr. Church will deliver the combined reports of the Commercial Committee and the Special Committee on Trade Practices. (Applause)

ARTHUR B. CHURCH (Chairman, Commercial Committee; KMBC, Kansas City, Missouri): During the relatively short period of nine months between the 1934 and 1935 annual NAB conventions, your Commercial Committee has been active on a small number of projects, on each of which substantial progress has been made.

The Commercial Committee appointed by the Association President this year comprehended a larger number than heretofore, affording equal representation to the various classes of stations in each of the five broadcasting zones. It has not been possible to appoint all members of the committee to subcommittees during this short working year but all members have indicated remarkably active interest and almost without exception, members appointed to sub-committees have faithfully discharged the responsibilities given them, in some cases entailing considerable sacrifices of both time and money.

The assistance of Dr. Herman S. Hettinger has been invaluable in the various projects on which the committee has worked. His research and other contributions have made possible much greater progress than otherwise could have been made.

Perhaps the most important work undertaken has been that of carrying out the 1934 conventions' instructions contained in the resolution that "the chairman of the Commercial Section appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are the buyers of radio advertising, and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers, with a view of setting up a bureau for the broadcasting industry, such committee to report with recommendations to the Board of Directors".

Walter J. Damm, John V. L. Hogan, John J. Karol, Edgar Kobak, with your speaker as chairman, constituted the committee appointed to carry out the provisions of this resolution. Joseph O. Maland later was appointed to take the place of Mr. Damm who stated that he could not regularly attend the committee meetings.

Investigation was made of the current application of various forms of coverage and listener research now being used, the different problems involved in the creation of a cooperative bureau were thoroughly considered and a decision reached to the effect that the necessary steps be taken toward the creation of such a bureau.

The following resolution was unanimously adopted by the committee at its meeting of April 17 held at the Hotel St. Regis, New York:

> "*Resolved,* That it is the sense of this committee that it report to the Board of Directors of the National Association of Broadcasters that there be established a joint organization, composed of representatives of the broadcasters, advertisers and agencies, for the purpose of establishing a basis of mutual agreement as to the preparation and dissemination of authoritative information relating to broadcast coverage and circulation."

Your Commercial Committee chairman believes that a cooperative bureau of this type would be of tremendous value to the broadcasting industry and that steps toward the creation of such a bureau should be taken as rapidly as possible. It is quite probable that it will take some time before the ultimate scope of activity and methods employed by such a bureau can be set up with any finality, but such finality can be achieved only after concrete beginnings have been made.

Both the American Association of Advertising Agencies and the Association of National Advertisers have been informed of the willingness of the broadcasters to cooperate with them in the creation of such a bureau, and numerous discussions have been held with representatives of these organizations looking toward the accomplishment of this end. At this time, the possibility of an exploratory survey of possible scope and methods of such a bureau—the said study to be conducted under the joint direction of the broadcasters, advertisers and advertising agencies—is being considered by all three groups, and it appears that definite progress is being made in this direction.

Aside, I might state that today at New York the AAAA is holding a special board meeting for this purpose and that a special board meeting is scheduled for the ANA for July 14.

A full report of this progress, made to the NAB Board of Directors on July 8 (that is last night), was accepted by the Board but referred to the incoming Board for action.

In view of the present status of the project, it is the recommendation of your Commercial Committee that the Association reaffirm its willingness to cooperate with the advertisers and agencies in the creation of a cooperative bureau of coverage and listener data, and that a committee be appointed to continue the work in this field by the chairman of the Commercial Section with the approval of the Board of Directors, the said committee to be responsible to the Board of Directors. The importance of such a fact-finding or audit bureau to the broadcasting industry is sufficiently great in the mind of your chairman that if undue delay is encountered in establishing a cooperative bureau, the broadcasters themselves should launch the project.

The 1934 convention of the Association authorized the Managing Director to establish and maintain an Agency Recognition Bureau at the Washington office of the Association. Dr. Hettinger was appointed to investigate the problems involved in the creation and maintenance of such a bureau, and to devise a plan for its establishment.

A study was made of current recognition practices among radio stations as well as of the procedure used by other media. On the basis of this information, principles of agency recognition were formulated, plans were devised for the creation of a recognition bureau and for a credit clearing house which would assist the bureau in collecting the financial information necessary to the administration of a system of recognition.

The details of this plan were carefully studied by the Commercial Committee of your Association, as well as by a sub-committee composed of H. K. Carpenter, chairman; Martin B. Campbell and Charles G. Burke; which was appointed to examine the forms to be employed by the proposed bureau.

A resolution adopted by the Commercial Committee at its June, 1935 meeting in Chicago endorsed the plan and recommended that it be put into effect by the Association provided the cost of its first year of operation were underwritten by the stations proposing to avail themselves of its services.

Your Managing Director has made mention of the importance of this bureau in his report. You may determine the details regarding the proposed recognition principles and the scope of service to be rendered by the bureau from the mimeographed report which is available just outside the door, I believe.

It is the sincere recommendation of the chairman of your Commercial Committee that you take the steps necessary to the creation of this bureau—that is, that you finance it—and it is his hope that as many stations as possible will participate in this most important activity.

The annual meeting of the Commercial Section of the NAB was again held in conjunction with the annual convention of the American Federation of Advertisers. Despite the nearness of this meeting to the NAB Annual Convention, the attendance at the meetings showed steady growth over former years. From 125 to 150 persons attended the open meetings. These open meetings were highly educational in character. This year the experiment of panel discussions, limited to two general topics, was inaugurated and apparently proved very successful. The complete proceedings of these meetings will be available in the near future. The unusual degree of interest in mutual problems of the broadcasters resulted in an overflow meeting with an attendance of 60 on the second afternoon.

It is interesting to note, in passing, the increased interest in the commercial aspects of broadcasting which is being evidenced on all sides. During the current season the National Retail Dry Goods Association has issued an excellent manual on the retail use of broadcast advertising, considerable of the material of which was secured with the aid of the Research Department of your Association. Advertising agencies and broadcasters alike are making increased use of the trade statistics compiled by your Association, which statistics constitute the only comprehensive information available regarding broadcast advertising volume.

It is to be hoped that this interest already manifest will continue to grow and that the activities of the Association in providing useful information regarding radio to broadcasters and advertisers alike will be expanded.

In this connection, and in line with Commissioner Prall's suggestions this morning that the scope of a cooperative bureau also include investigation of commercial program content, it appears to your Commercial Committee chairman that the first step has already been taken by the NAB office in printing in the NAB weekly bulletin information concerning new accounts which have been subjected to Government scrutiny. Amplification of this service, as recommended this morning by your Managing Director, should, in the opinion of your Commercial Committee chairman, be accomplished.

At the June meeting of the Commercial Committee, a committee was appointed to consider a revision of the NAB Code of Ethics which has remained unchanged over a period of several years. Subsequently, a committee, of which Alfred J. McCosker was chairman, was appointed by President Ward at the direction of the NAB Board of Directors, to investigate what portions of the code of fair competition, which had proved valuable during the period of NRA code administration, might be retained to the advantage of the broadcasting industry. At a joint meeting of the two committees, the following amended Code of Ethics was drawn and is recommended to the National Association of Broadcasters as a substitute for the old Code of Ethics. Mimeographed copies of this report, by the way, including copies of the new Code of Ethics, are available on the table outside of the door when you leave.

"Code of Ethics

"1. Recognizing that the radio audience includes persons of all ages and all types of political, social and religious belief, each member station shall endeavor to prevent the broadcasting of my matter which would commonly be regarded as offensive.

"2. When the facilities of a member station are used by others than the owner, the member shall ascertain the financial responsibility and character of such client, that no dishonest, fraudulent or dangerous person, firm or corporation may gain access to the radio audience.

"3. Matter which is barred from the mails as fraudulent, deceptive or obscene shall not be broadcast by a member station."

You will notice the term "member station" is used in this new Code of Ethics; the term "station" was used in the old Code of Ethics. We are referring here only to members of the NAB.

"4. Each member station shall refuse any advertising matter regarding products or services injurious to health.

"5. Each member station shall maintain a public record of its current rates charged to advertisers for the use of broadcasting time together with all discounts, rebates, refunds and agency commissions which shall be allowed to the users of such time or to their recognized agents."

I am going to reread that, if I may, because I want you to get it.

"5. Each member station shall maintain a public record of its current rates charged to advertisers for the use of broadcasting time together with all discounts, rebates, refunds and agency commissions which shall be allowed to the users of such time or to their recognized agents.

"6. Each member station shall refuse to accept any business on a cost per inquiry, contingent or percentage basis, or to accord free time for commercial use."

And, in the latter cases, we refer especially to programs that have been devised by some of the motion picture companies or magazines or whatnot which offer you good programs on the air which are really commercial programs for these publications and advertisers.

"7. No member station shall permit the broadcasting of advertising statements or claims which he knows or believes to be false, deceptive or grossly exaggerated.

"8. No member station shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing or quality of service.

"9. No member station shall claim for its service a character, scope or quality which cannot be substantiated nor shall it claim as regular characteristics of its service features which it knows to be purely temporary or occasional.

"10. Where charges of violation of any article of the Code of Ethics of the National Association of Broadcasters are filed in writing with the Managing Director, the Board of Directors shall investigate such charges, give opportunity for hearing and afterwards notify the station of its findings."

The chairman of your Commercial Committee appeared at the recent hearing on electrical transcriptions before the radio section of the Federal Communications Commission and read the resolutions adopted at the 1933 and 1934 annual NAB conventions, requesting the Commission to alter existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced.

Your Commercial Committee recommends that the convention reaffirm the resolution adopted at the 1934 convention referring to the standardization of units of sale of rate card practices and urges that the Commercial Committee for the ensuing year give special attention to amendments to the recommendations for standardizing units of sale of rate card practices to the end that the buyers and sellers of radio advertising may utilize the broadcasting medium with maximum effectiveness.

In closing the report of the Commercial Committee, your chairman wishes to emphasize what he feels to have been the remarkable improvement both in interest and quality of discussion which has taken place both in the Commercial Section meetings and in those of the Commercial Committee during the past two or three years. It is a splendid sign to notice the increasingly keen appreciation of the economic problems facing the industry and of the sound approach which is being made to their solution. With the industry having assumed a stable place as one of the major advertising media, these economic problems will tend to become even more important in the activities of the Association. It is, therefore, to be hoped that this growing interest will be further intensified and that the activities of the Association in the commercial field will be expanded to meet the needs of radio as an advertising medium. (Applause.)

CHAIRMAN MYERS: Before inviting discussion on the reports of the Commercial Committee and the Special Committee on Trade Practices, I have an announcement to make: the names of Harry C. Butcher and Edward A. Allen have been added to those on the Resolutions Committee.

Any discussion on Mr. Church's report?

MARTIN B. CAMPBELL (WFAA, Dallas, Texas): I move that the report be accepted.

JOHN J. GILLIN, JR. (WOW, Omaha, Nebraska): I second the motion.

CHAIRMAN MYERS: It has been moved and seconded that the report of the Commercial Committee and the Committee on Trade Practices be accepted. Any further discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN MYERS: I think in the absence of President Ward, the Association should thank Mr. Church for his very excellent report.

The next item on the program is the report of the Engineering Committee to be presented by Mr. Joseph A. Chambers, chairman of the Engineering Committee. (Applause.)

JOSEPH A. CHAMBERS (Chairman, Engineering Committee; WLW, Cincinnati, Ohio): Mr. Chairman and members of the convention: During the past year your Engineering Committee has continued the joint coordinations meeting with the Institute of Radio Engineers and the Radio Manufacturers Association. The studies have largely concerned the systems development of the so-called high fidelity. It was recognized that to effect realism of so-called high fidelity, compensation must be made for the response characteristic of the human ear. Listeners operate receivers at such volume that the program is reproduced at a lower volume than the original program. Since the characteristics of the human ears are different at different levels, even a perfectly faithful system would not give the effect of realism unless compensation for the difference in the ear characteristic is applied. The amount of compensation and where it should be applied in the broadcasting or receiving system has been studied at length. The subject is quite complex, involving character of programs, listener levels, transmitter capabilities with reasonable economies and the Federal Communications Commission regulations regarding inter-channel interference. Additional data is being assembled to assist in a satisfactory solution to this most important improvement in the quality of radio programs.

Last year your Engineering Committee submitted, as part of the annual report, a report showing marked deficiencies in the technical characteristics of many broadcasting stations and pointed to methods of improvement. During the year, several methods of improvement have been discussed more in detail in your Association bulletin. In some cases, improvements have been made. In many other cases the conditions have not been improved and stations have continued to suffer poor quality and lack of coverage. In many cases undue inter-station interference continues to exist because of these deficiencies.

The Federal Communications Commission has recently proposed further to regulate the technical operation of broadcasting stations by imposing standards of improved performance. Most of these standards, in the same or modified form, will probably be applied very soon to so-called high fidelity stations operating on frequencies above 1500 kilocycles, and to regional stations operating on 5 kilowatts. Undoubtedly, modifications of these standards will eventually be applied to all stations.

Your Engineering Committee has followed the development of these Communications Commission standards, and members of the committee have from time to time discussed the various proposals with the engineers of the Communications Commission. The committee has studied the Commission's most recent proposals and submits the following brief comments regarding them:

Audio Distortion: The Commission proposes that the total audio frequency distortion from microphone terminals to antenna output shall not exceed 5 per cent. rms harmonic content when modulating from 0 to 85 per cent. and not more than 10 per cent. rms harmonic content when modulation of 95 per cent. is used. The distortion is to be measured with modulating frequencies of 50, 400, 1000, 5000 and 7500 cycles. Your committee feels that while the tolerable distortion is liberal, the harmonics of the frequencies above 5000 cycles are not as objectionable as the others and further that the reduction of harmonics of frequencies below 100 cycles may be quite expensive. Therefore, your committee has urged that proper allowances be made for these factors so that your dollars and cents may be spent to greatest advantage.

Frequency Range: The Commission proposes that the audio frequency transmitting characteristic of the equipment from the microphone terminals to the audio component of the rectified antenna current shall not depart more than 2 decibels from that at 1000 cycles between 50 and 7500 cycles. The transmitter should be equipped in the last audio stage or as near thereto as practicable with two band-pass filters, one to cut off at 5500 cycles and the other at 8500 cycles to 40 decibels below normal level. These filters shall be used as follows: The 8500 cycle cut-off filter at all times, and the 5500 cycle cut-off filter when the program transmission is such that no desirable signal above 5000 cycles reaches the transmitter. The frequency characteristics should be measured with the filters in place. Your committee believes the frequency range quite reasonable, provided it is allowable to include compensation for microphone characteristics. Attention should be called to the fact that more expensive telephone lines may be required between the studios or remote pickup points and the transmitters. Your committee feels that the filters should not be required by the regulations because: first, the 5500 cycle filter applies only to long line program source and becomes a problem of long line telephone practice; these filters are applied whenever needed and if required in other cases, they should be supplied by the telephone company; second, there is no proof that the 8500 cycle filter will improve the service or reduce sideband interference and it is not believed necessary or advisable at the time. In any case, since the station equipment introduces no distortion within the limits considered, the filters should not be installed in the last audio stage at the transmitter where it will be very much more expensive and will require separate and frequent switching, but may be installed as part of the line terminating equipment where it will be automatically put in use by normal program switching.

Noise Level: The Commission proposes that the carrier hum and extraneous noise levels (exclusive of microphone noises) should be at least 60 decibels below 100 per cent. modulation in the frequency band between 150 and 5000 cycles, and at least 40 decibels down outside of that range. Since the objection to such noises depends on the noise frequency and the response characteristic of the human ear, and since the cost and difficulty of reducing noises varies with the frequency, a reasonable economic compromise should include weighting for these factors. In any case, we consider the reduction to 60 decibels to be impractical and in most cases impossible with modern microphones.

Volume Range: The Commission proposes that the volume range from carrier noise and main studio extraneous sounds to 100 per cent. modulation shall be 60 decibels. As an operating condition, a 60 decibel volume range is not desirable from the listener's point of view. The range is limited between the local background noise and the maximum level to be permitted in the average home. The volume range capability of the broadcast station is automatically limited by the noise level which we believe will not permit a 60 decibel range.

Modulation Monitors: Your Engineering Committee favorably views the recent activities of the Commission to standardize the specifications for a satisfactory Modulation Monitor. The Commission engineers are working with other engineers and revised specifications will probably be prepared at an early date. We understand a certificate of approval will be issued for such a modulation monitor, just as is now done for Frequency Monitors. This type of Modulation Monitor is recommended for all stations regardless of classifications since it will permit more satisfactory operation.

It is pointed out that the changing of existing stations to operate with improved performance may entail additional expenditures for equipment and engineering services. It is believed improved characteristics will permit, in most cases, an increased percentage of modulation within the present distortion limits. This increase in modulation will result in a definite increase in coverage which will often more than compensate for the expenditure. It is a natural step toward the realization of improved service required by the competitive development of the art. The station with the best characteristics will get the listeners using the most improved quality receivers.

Handbook: Regarding the handbook which was referred to in last year's report and has been given further consideration this year, as a result of previous studies by your Engineering Committees of technical practices and conditions in the broadcast industry, the committee last year proposed to prepare a "NAB Engineering Handbook". This handbook has been assembled and edited by Mr. J. C. McNary, Technical Director of the National Association of Broadcasters, and will be published and made available to member stations very soon. It was believed advisable to delay publication of this handbook for a reasonable time to permit inclusion of certain revised Commission regulations. The handbook will be designed to assist engineering personnel of member stations in attaining the maximum capabilities of their station installations and the facilities available. We emphasize that maximum service and maximum returns cannot be attained except by application of the best engineering principles.

Transcription Quality: In consideration of high fidelity standards, or improvement of station quality, and considering possible Federal Communications Commission's regulations, your committee believes that the quality of electrical transcriptions should be investigated. While some transcriptions are of good quality, others are far below the standards proposed for general studio pickup. We believe that standards of quality and methods of determination should be set up to protect the station, the advertiser and the public.

Your committee is keeping in touch with the development of high frequency local broadcasting, television and facsimile, in an effort to determine the effect on the present broadcast system. To date it has no information to indicate concern to sound broadcasting, although certain development is progressing very rapidly.

The Engineering Committee wishes to call attention to the International Radio Administrative Conference in Cairo early in 1938. Decisions and agreements will be reached regarding allocations and uses of facilities which may vitally affect the industry. It is suggested that some thought be given to preparation for this meeting.

Your Engineering Committee, therefore, recommends:

1. A continuance of the cooperative efforts of NAB with the RMA and IRE further to coordinate the development to improve the results of the entire broadcast system from studio through loud speaker.
2. That the close contact be maintained between NAB and the engineers of the Federal Communications Commission so that the NAB may be advised regarding any proposed standards or regulation of technical operation.
3. That there be a further study and analysis of technical practices and standards with a view toward improving the use of the facilities of member stations to attain a higher standard.

Thank you. (Applause.)

CHAIRMAN MYERS: Is there any discussion of Mr. Chambers' report? If not, will somebody move its adoption?

WARREN P. WILLIAMSON, JR. (WKBN, Youngstown, Ohio): I move the report be adopted.

J. O. MALAND (WHO, Des Moines, Iowa): I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN MYERS: A telegram has just been handed to me from M. H. Aylesworth:

"Telegrams from you and Executive Committee of NAB just received due to holiday week-end vacation here. Unable to arrive in Colorado Springs tomorrow. Therefore must reluctantly decline your generous invitation. Please thank the members of the Executive Committee for thinking of me and accept my congratulations for the fine time you must be having in the beautiful city of Colorado Springs located in the great State of Colorado which I still call home. Please remember me to the convention and if you will give me a rain check I will be glad to be with you next year. You have rendered a very valuable service to the radio industry and we all owe you a vote of sincere thanks for carrying us through a year of real achievement for which the NAB and you as President deserve full credit. The NAB is rendering a great service to the broadcasting industry and you have my loyal support as well as that of the NBC which is evidenced by the number of representatives from NBC attending your convention."

A splendid tribute to our President!

The next order of the meeting is the report of the Legislative Committee by Mr. Loucks who has not returned from the committee meeting as yet.

I have here a communication from the Women's National Radio Committee which we have been requested to read before the assembly. It is rather long so please bear with me.

"The Women's National Radio Committee
and
The Broadcasting Industry.

"The Women's National Radio Committee extends to President Ward and the members of the National Association of Broadcasters assembled at Colorado Springs its heartiest greetings and best wishes for a successful convention.

"It has been a pleasure to associate with the gentlemen of the radio industry and we look forward to continued cooperation to the end that broadcasting in this country may be established upon the highest possible plane. We hope to have the privilege of conferring frequently with representatives of NAB and Commissioner Prall, whose reappointment has been hailed with such delight by all the members of the Women's National Radio Committee.

"First and foremost—we are not a reform group in the accepted sense of the word, nor have we any axes to grind. We are organized to act as the link between the radio industry and organized womanhood, and are eager to serve both. By so doing, we hope to obtain a higher standard of radio programs.

"At this time when there is so much discussion of radio reform in the air, it might be well for us to reiterate our purposes and explain our attitude toward the broadcasting industry.

"As the representatives of a very large number of women, we are in a position to be helpful to broadcasters by pointing out what these women want to hear over the radio and what they consider undesirable or objectionable. We have heretofore addressed our suggestions and criticism directly to radio officials instead of seeking publicity by such methods as a recently organized group has resorted to. As proof of our sincerity, we may point out the fact that on the one occasion when an offensive program was cancelled through our efforts, we were extremely careful not to give any publicity to the matter. When a guest speaker at our Award Luncheon unexpectedly launched into a bitter denunciation of radio and suggested hysterical action, none of our press releases included any mention of her address.

"We sincerely want to play fair with the radio industry. We believe there is a job to be done and that it can best be accomplished by active cooperation on the part of the radio industry, the Federal Communications Commission, the press and the Women's National Radio Committee.

"We believe private ownership is necessary to maintain a free radio and are decidedly opposed to governmental control. In our opinion, the radio industry can, by united effort, eliminate all the objectionable features that critics of the present system cite as the excuse for a radical change. The reactions we receive from women all over the country indicate that the time is ripe for an improvement in the quality of radio programs. The proponents of government ownership of radio have gained more strides in the past year than in several previous years, and their bait is the statement that under government control there would be an improvement in standards impossible under a commercial system. It would seem to be the better part of wisdom to disarm such critics by making the very changes they insist cannot be done. This would not mean that the lighter features, which now constitute the bulk of radio entertainment, would be eliminated. It would result in a presentation of the best talent available in every field instead of having second, third and even fourth rate performers trailing along in feeble imitation of real artists. While there would be an increase in the number of more serious programs, there would still be sufficient variety to satisfy all classes.

"The trend is definitely toward higher grade entertainment in all branches of the arts. The success of motion pictures which even a year ago would have been box office failures—the revival of interest in chamber music—point to changing times. Last week the Chairman and Executive Secretary of the Women's National Radio Committee attended a performance at Radio City which featured Resphigi's 'Pines of Rome.' The announcement stated that this symphonic work was being offered for the first time to motion picture audiences by Radio City Music Hall. The attitude of the audience during the excellent rendition of this selection and its prolonged applause at the conclusion was proof of the fact that appreciation of good music is not confined to Philharmonic enthusiasts. It was interesting to note that the least popular feature of the entire program was a jazz ditty entitled, "I Gotta Take Off My Hat To You," which received a faint ripple of applause. Radio City audiences are typical of the masses and represent a true cross-section of the country, for visitors from all parts of the United States flock to the Music Hall.

"The first step toward improvement has already been taken by broadcasters. The decision of the National Broadcasting Company, Columbia Broadcasting System and Mutual Broadcasting System to clean up radio advertising is a most heartening development. We anticipate that the attention of radio officials will next be turned to the quality of the programs.

"We wish to take this occasion to thank the trade publications for their interest in our activities. We are especially grateful to Printers Ink and its radio editor, Leonard Lewis, for giving us the opportunity of explaining our objectives and our opinions about radio in the issue of March 21. This article was based on correspondence, conferences and personal contacts with many women. We should also like to express our appreciation to the radio 'fan' magazines and the press which have been most generous in commenting on the work of the committee.

"We are pleased to offer at this time some suggestions which we hope will be given consideration by the delegates assembled at this convention.

"Radio Advertising

"1. The shorter the commercial, the more effective. Long intrusive announcements are resented. The greatest offenders seem to be the women who speak on cosmetic programs as these are most frequently attacked by our correspondents. Several recent letters have asked whether advertising on Sunday could not be abolished—which should serve as a warning to all advertisers to cut down their commercials.

"2. The announcer whose delivery is quiet and sincere makes a better impression than one who affects great enthusiasm. The breathless style of announcing and the dramatized commercial have been too much overdone to be convincing any longer.

"3. Exaggerated statements are met with ridicule. Such programs help to boost the sales of products sold by competitors who do not offer to perform miracles.

"4. Testimonials seem to cause an antagonistic reaction. The following comment is typical of many received from women: "'Who cares what movie stars wash their faces with? Half the testimonials are faked anyway.'

"5. Appealing to children over the heads of parents is keenly resented in most homes. The reaction is 'I'll decide whether or not Bobby may drink that—not Bobby.'

"6. No article connected with intimate feminine hygiene should ever be advertised over the radio. It is an embarrassment to which women should not be subjected.

"7. Radio advertising pertaining to deodorants, depilatories and laxatives is not acceptable to women of refinement.

"The test to determine whether or not a product should be advertised over the radio might include these three questions:

"Is it an article which could be freely discussed at a social gathering of ladies and gentlemen, or at a dinner table?

"Is it an article which could be freely discussed by adults in the presence of children?

"Is it an article which might be injurious if incorrectly used by an ignorant person?

"Children's Programs

"One way of satisfying critics of children's radio programs would be to set aside daily a fixed time (probably a half hour) on every station for a model program. This presentation would be written and produced by the station's own staff and offered as its own children's hour. This would mean that between the hours of five and eight o'clock daily at some point of the dial an approved children's program would be available. Thus the parents who wish to exercise supervision over their children's radio entertainment would be satisfied with the three hours of approved material planned for their benefit, while the children in less critical homes would have sufficient variety to please them.

"In New York City, for example, this is how the plan might work:

5:00 to 5:30—Assigned to CBS for children's hour.
5:30 to 6:00—Assigned to WMCA
6:00 to 6:30—Assigned to NBC
6:30 to 7:00—Assigned to WEVD
7:00 to 7:30—Assigned to WOR
7:30 to 8:00—Assigned to WNYC

"This suggestion presupposes cooperation on the part of all broadcasters in working out time arrangements but in view of the benefits to be anticipated, it should be possible to make adjustments which will be satisfactory to all stations. There would be some overlapping, of course, where there are several local stations, but no more than exists at present when practically every station features children's programs during the same period of the day.

"The next proposal may be considered as a supplementary measure or as an independent plan. It was first presented by the Women's National Radio Committee at a radio conference arranged by Commissioner Prall on March 25 and has recently been adopted by Columbia Broadcasting System.

"It calls for the formation of an advisory board in every company to review children's programs before they are broadcast. This board may consider all programs for children or confine its attention to the station's model presentation. Each board should include, in addition to a child psychologist and educators, some very ordinary citizens to insure the program against dullness. A typical setup might consist of a psychologist, librarian, school principal, president of a child study or parent-teacher group, and six men and women who represent the average home. In some sections, one such board might serve several stations.

"The Women's National Radio Committee will be glad to answer questions and go into further detail concerning these suggestions upon request."

The next order of the program is the report of the Legislative Committee which was to have been delivered by Philip G. Loucks. Inasmuch as he is tied up in a committee meeting, the report will be given by Mr. James W. Baldwin.

JAMES W. BALDWIN (Assistant Managing Director, NAB; Washington, D. C.): Mr. Chairman and gentlemen, I know I speak Phil's sentiments when I say to you that we all regret that Henry is not here to deliver this report. I am now reading the report of Mr. Henry Bellows, chairman of the Legislative Committee.

"This is the eighth consecutive annual report presented by the same chairman of your Committee on Legislation and, as has been the case in the past, it will concern itself chiefly with recommendations for future action by your Association.

"The past nine months have been unusually free from activity by the Federal Congress directly affecting radio broadcasting. In large measure, this has been due to the fact that the Federal Communications Commission was organizing its work and Congress clearly felt that legislative action should await specific further recommendations by the Commission. It has likewise been true that Congress has had so many other problems on its hands that it has been content to leave radio more or less alone.

"The Communications Act

"The Communications Act of 1934, which became effective July 1, 1934, was fully discussed in the report of your Committee last year. Bills proposing various amendments to this act have been introduced in the Seventy-fourth Congress but up to the date of preparing this report (June 20) few of them have even received serious consideration in committee.

"Among the proposed amendments may be noted the following:

"S. 820, introduced by Senator Neely, providing that when applications for radio facilities involve contests with the owner or owners of any existing radio station, the applicant, if unsuccessful, shall be directed by the Communications Commission to pay such reasonable counsel fees and other costs as the contesting owner or owners of radio stations may have incurred.

"S. 1335, introduced by Senator Wheeler, providing an amendment to Section 202 of the Communications Act making it 'unlawful for any common carrier to enter into or operate under any contract, any provision of which purports to grant an exclusive right of occupancy or any other exclusive right as against any other American owned and controlled carrier engaged in interstate or foreign communication by wire or radio.'

"S. 1336, introduced by Senator Wheeler, authorizing certain increases in the staff of the Communications Commission (enacted).

"S. 1418, introduced by Mr. Wheeler, to amend Section 210 of the Communications Act so as to make it 'unlawful for any carrier to issue or to recognize any frank, or to render any free service,' except in certain emergency situations involving the safety of life or property.

"S. 2243, introduced by Senator Wheeler, to amend Section 302, Sub-section (b) of the Communications Act so as to repeal the so-called 'Davis Amendment' providing for the mathematically equal distribution of broadcasting facilities among the five zones, and providing instead that 'The Commission shall make such distribution of licenses, frequencies, hours of operation and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same.' This proposal, based on a recommendation of the Communications Commission, is obviously of great importance, as its adoption would enable, and possibly require, the Commission to make a general redistribution of broadcasting facilities based on the actual needs of the listening public for service rather than on the arbitrary quotas assigned to each zone and state under existing law.

"H. 4318 and H. 4319, both introduced by Congressman Rayburn, identical respectively with S. 1335 and S. 1418.

"H. R. 8475, introduced by Congressman Monaghan, to create a new Federal Radio Commission 'for the purpose of providing wholesome radio programs, free from monopolistic domination and control on the part of vested interests, and to make available to all our people adequate radio service.'

"Copyright Legislation

"Indirectly but vitally affecting the broadcasting phases of communication, the most significant piece of legislation in this field before the Seventy-fourth Congress is S. 3407, introduced by Senator Duffy, to amend the Copyright Law. An identical bill, H. R. 8557, was introduced in the House by Congressman Bloom. This bill was prepared by an inter-departmental committee under the general direction of the Department of State, for the purpose of so amending the Copyright Law as to enable the United States to become a signatory of the Rome Convention of the International Copyright Union. This convention (Executive E, Seventy-third Congress) was referred to the Senate Committee on Foreign Relations, which on April 18, 1935, recommended that the Senate consent to it, provided the necessary changes in the law were first made. At the date of preparing this report, S. 3407 is before the Senate, having been favorably reported by the Senate Committee on Patents.

"Certain outstanding changes proposed by S. 3407 are: (1) the establishment of 'automatic copyright' (i. e., copyright without the necessity for complying with any formalities), but with sharp limitations on the right of recovery of damages for infringement wherever registration and notice of copyright have not been had; (2) a material enlargement of the 'writings' for which copyright may be secured, but no acceptance of the general European theory of 'oral' copyright; (3) a considerable limitation of the right of injunction in cases where infringement of copyright is claimed; (4) the complete elimination of the fixed minimum statutory damage provision of the existing law, leaving the measure of damages in each case to be determined by the court; (5) the grouping together of all infringements by any one infringer up to the date of judgment, with the provision that any unauthorized network performance shall be regarded as the act of one infringer; (6) the reversal of the present law, as established in the Jewell-LaSalle Case, by providing that there shall be no liability, civil or criminal, for the reception of any copyrighted work by the use of a radio receiving set, except where special admission fees are charged; (7) a provision regarding the 'author's moral right', based on the very broad provisions of the Rome Convention but so modified as to give users considerable freedom in adapting copyright material for their special requirements.

"Since copyright music and literature are the raw material of broadcasting, and since for the past twelve years the minimum statutory damage clause of the Copyright Act has provided one of the greatest economic difficulties for the broadcasting industry, S. 3407 is of the utmost importance to this phase of communication. If it has not been passed by both Houses at the time of your meeting, your committee strongly recommends an energetic campaign to urge its speedy enactment."

And, I might say by way of parenthesis there, I am sure you have all noticed the appeal made to you by our Managing Director in the last two issues of NAB REPORTS.

"Food, Drugs and Cosmetics

"The broadcasters have been actively interested in the various bills introduced for the purpose of rewriting the Food and Drug Law of 1906. Of these, the two really significant ones are S. 5, introduced by Senator Copeland, and H. R. 6906, introduced by Congressman Mead. The Copeland Bill in the form in which it was first introduced in January, represented only a slight revision of the bill which failed of enactment of the older bill, and a few new ones in addition. Most important of these added features was a provision directly discriminating against broadcasting as an advertising medium by declaring that the provisions of the act should not apply to a retail dealer advertising his purely intrastate business except in the case of radio advertising.

"The basic difference between the Senate and House bills is that the Senate bill provides for the regulation of advertising by the Secretary of Agriculture, whereas the House bill leaves the regulation of advertising in the hands of the Federal Trade Commission. On this subject, it was absolutely impossible to secure a definite expression of opinion from the members of the broadcasting industry. While most of them appeared to favor the retention of the present system, whereby the Federal Trade Commission has authority to deal with cases of fraudulent advertising, certain groups among the broadcasters appeared to favor the provisions of the Copeland Bill. Accordingly, your Association took no definite stand on this matter and in appearing at the hearings on S. 5 merely urged that the discrimination against broadcasting be removed and that a considerable number of apparently obscure or misleading passages in the bill be cleared up. We are glad to report that every specific change recommended by your Association was made, either in committee or by amendment on the floor of the Senate, before the bill was passed.

"The major issue involved in this legislation is exceedingly important, and we strongly urge your Association to arrive at some definite conclusion with regard to it. Regulation of advertising by the Federal Trade Commission involves simply an extension of a system already in effect. Regulation of advertising by the Secretary of Agriculture involves the setting up of new machinery which, in part, will necessarily duplicate the work of the Federal Trade Commission. It is the belief of your committee that such duplication is undesirable and that the basic purpose of establishing control of advertising in the Department of Agriculture is to set up what may easily develop into a form of censorship. While fully recognizing the vital importance of adequate protection for public health, your committee believes that such a protection can be effectively provided without the creation of a new bureaucracy to regulate advertising. It does not believe that the position of the broadcasting industry is strengthened by the public expression of conflicting opinion on so important a point as this, and it believes that a definite and unequivocal endorsement of the principles embodied either in the Copeland Bill or the Mead Bill would be generally helpful.

"The attitude of the industry as a whole on the subject of pending legislation regarding foods, drugs and cosmetics affords a striking example of the reasons why the broadcasters as a group are not more effective. When persons prominently connected with the industry express views on such matters absolutely contrary to one another, it is not unnatural that people assume that the broadcasters do not know what they want. Your committee recommends, therefore, that the Association definitely go on record as favoring either the regulation of advertising by the Federal Trade Commission or the regulation of certain phases of it by the Secretary of Agriculture, and that the proper representatives of the Association be authorized and directed to express such views on this subject as the Association itself may have adopted.

"The Communications Commission

"Since the Federal Communications Commission came into being on July 11, 1934, its time, outside of routine activities, has been chiefly taken up with (a) organization and (b) hearings covering broad questions of policy. Its organization has inevitably been retarded by changes of personnel and of duties, many of its members having been shifted from the divisions to which they were originally assigned.

"The two major problems before the Commission at the present time are (1) an investigation of the American Telephone & Telegraph Company, directed by a special joint resolution of Congress, with an appropriation of $750,000 and (2) the consolidation of telegraph services, hearings regarding which have been carried on for many weeks. No definite action regarding either of these problems has as yet been reported.

"Section 307 (c) of the Communications Act of 1934 directed the Commission to study the proposal that Congress by statute allocate fixed percentages of broadcasting facilities to particular types of non-profit programs or to persons identified with particular kinds of non-profit activities, and to report thereon to Congress. Pursuant to this mandate, the Commission held hearings for five weeks in October and November of 1934.

"The record of these hearings is an impressive demonstration of what the broadcasting industry can do when it really makes up its mind to forget minor differences and work in harmony. With your Managing Director in complete charge of the presentation of the industry's case, and with the chairman of your Legislative Committee in equally complete charge of the preparation of the material, every element within the industry cooperated splendidly, with the result that for the first time there was built up a really convincing record of what American broadcasting is accomplishing in the way of program service to the public. The evidence was summarized in a brief of about 55,000 words, prepared by the chairman of your Legislative Committee, which was widely circulated.

"It has been generally agreed, both within the industry and by those outside of it, that the showing made by the broadcasters in the hearings last fall was tremendously impressive. The reasons for this are not hard to see. The first one is that every branch of the industry stood united in the face of a danger common to all. The second is that sufficient power to handle the case was given without reservation to the staff of your Washington office. Enormously valuable suggestions were made by attorneys for the networks and for various individual stations but it was clearly recognized that the only way to get the work done properly within the necessary time limit was to give the Managing Director and the chairman of your Legislative Committee a free hand. In no other way would it have been possible to have prepared the mass of testimony that was presented or to have summarized over four million words of the record in a brief which had to be written and presented within a space of about twenty days. We earnestly commend for your serious consideration this example of what the broadcasting industry can do when it is really united.

"On January 22, 1935 the Communications Commission presented its report to Congress. This report, after reviewing the testimony presented at the hearings, stated: 'The Federal Communications Commission respectfully recommends that at this time no fixed percentages of radio broadcast facilities be allocated by statute to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities.'

"The report added that 'The Commission proposes to hold a national conference at an early date in Washington, at which time plans for mutual cooperation between broadcasters and non-profit organizations can be made, to the end of combining the educational experience of the educators with the program technique of the broadcasters, thereby better to serve the public interest. The conference should also consider such specific complaints as might be made by non-profit groups against the actions of commercial broadcasters in order that remedial measures may be taken if necessary.'

"The conference suggested in the foregoing paragraph was held in Washington on May 15 and 16, 1935. It added very little to what was already known on the subject. The only definite result was the announcement by the Commission that a committee would be appointed with Dr. John W. Studebaker, United States Commissioner of Education, as chairman, to study the whole subject of the use of radio in education.

"Here again, your committee desires to point out that the position of the broadcasting industry is lamentably weakened by lack of agreement. The committee headed by Dr. Studebaker is unquestionably going to do something. If the broadcasters could agree among themselves on any proposals to lay before this committee, they would unquestionably be in a position to determine in large measure such recommendations as the committee will eventually make. At present, however, it looks as if leadership in this committee, which certainly ought to be largely with the broadcasters, would pass into the hands of the representatives of other groups, simply because the broadcasters appear to have no program on which they can agree. Your committee urges, therefore, that very serious consideration be given by the Association to the presentation of a definite and specific plan of cooperation with educational institutions.

"Regulation of Programs

"It will be noted that the report of the Communications Commission, while recommending specifically against the statutory allocation of broadcasting facilities, sharply qualifies this recommendation by the words 'at this time'. It will further be observed that the report accepts as unquestioned the right of the Commission under the law to take an active interest in, and if it deems necessary, to regulate, broadcast programs.

"Throughout the current session of Congress there have been repeated charges in both Houses that the policy of the Commission amounts to indirect censorship and restriction of the right of free speech, in violation of the express provisions of Section 326 of the Communications Act of 1934. It has been frequently alleged that while the Commission never overtly exercises any censorship over program material, its policy of restricting all broadcasting licenses to a period of six months and its consideration, in all applications for renewal, of evidence concerning program content and character, have put the broadcasters in a position where their chief object is to please the Commission.

"It has always been recognized that there is an inevitable conflict between the censorship provision of the law and the Commission's established policy of interpreting 'public convenience, necessity and interest' broadly enough to include consideration of program service. The proposal of the Commission for a conference under its direction on the subject of programs indicates a tendency to extend this interpretation still farther. It may, therefore, be confidently expected that the issue of indirect government censorship of broadcasting will take a more conspicuous place than ever before in the deliberations of the next session of Congress, and may even result in legislative action.

"The most significant development in this connection has been the action of the Commission in citing a considerable number of stations for hearings on their application for renewal of licenses on the ground that these stations have carried certain advertisements which the Commission regards as not in the public interest. Without in any way entering into the merits or demerits of the advertising in question, this action by the Commission squarely raises the question as to whether the Commission can use its power to revoke or refuse to renew a broadcasting license for the purpose of controlling program quality and character. If it can, the conclusion is inescapable that the Commission is in effect censoring radio programs.

"Your committee recommends that the Association seriously and fully consider this problem and if possible arrive at some definite conclusion as to what its position in the matter is going to be. On one hand, there is the possibility of controlling advertising exactly as advertising in other media is controlled. On the other hand, the Commission apparently is proceeding on the assumption that radio advertising needs a type of control which does not apply to any form of printed advertising. Nobody would think of threatening a newspaper with extinction because it published an objectionable advertisement. The paper might properly be prevented by legal means from continuing to publish such advertising, and the advertiser himself might be punished, but there is certainly no way in which the very existence of the paper could be threatened.

"Your committee desires to emphasize just as strongly as possible the importance of this matter. It holds no brief for any form of fraudulent or misleading advertising and certainly none for advertising which may be injurious to health but it urges very strongly on your Association the importance of finding out whether radio broadcasting is to be regulated as to its advertising by the same laws which apply to other media or whether it is willing to admit that the Federal Communications Commission has the right to use its licensing power as a means of indirect censorship over radio programs. It may be that such action is justified in the public interest, but in that case the industry is entitled to know what standards the Commission proposes to set up. In the judgment of your committee it is utterly illogical that a station should be threatened with the loss of its license by reason of the broadcasting of programs which, so far as it knows, are not in contravention of any existing law. If an advertisement is illegal, the same methods which would prevent its publication in a newspaper ought to be adequate to prevent its being broadcast. If it is not illegal, it seems utterly unreasonable that a broadcaster should be threatened with the loss of his license for giving publicity to it.

"State Taxation

"In many ways the most serious situation now facing the broadcasting industry, and one which may easily result in an annual expense materially greater than the total cost of ASCAP and other music licenses, has come about as the result of two recent decisions by state courts. In January the Supreme Court of the State of Georgia handed down a decision in the case of City of Atlanta vs. Oglethorpe University, upholding the right of the city to impose an occupational tax on Oglethorpe's broadcasting station. This case was appealed by Oglethorpe to the Supreme Court of the United States, but the appeal was dismissed at the request of the appellant when it appeared that the issue could better be determined on the basis of a more complete record in some other case.

"This record was available in the case of Fisher's Blend Station, Inc. vs. The Tax Commission of the State of Washington. In this case the lower court had enjoined the State Tax Commission from collecting a tax on the gross revenue of the broadcasting station. The matter was argued, with extensive briefs, before the Supreme Court of the State of Washington. On May 27 the Supreme Court, with Chief Justice Millard dissenting, handed down an opinion reversing the lower court and stating in substance that while radio broadcasting was obviously interstate commerce for purposes of regulation, the court regarded it as intrastate for purposes of taxation.

"These two decisions, if permitted to stand, mean substantially that every broadcasting station may be taxed, either on the basis of a percentage of its gross revenue, or through a special occupational tax, not only by the state but by the county or municipality. The unbroken line of decisions up to the beginning of this year, holding all radio communication to be purely interstate commerce, has thus been interrupted. In view of the natural desire of every state and municipality to seize upon every possible source of revenue, it is obvious that unless the Supreme Court of the United States reverses the decision of the Washington Court, the broadcasting industry is inevitably going to be called on to pay new and heavy taxes throughout the country.

"In the judgment of your committee, this matter is of primary importance to every broadcaster and it is urged that your Association should promptly and vigorously cooperate in an effort to bring the Washington case before the Supreme Court of the United States. The record in this case is excellent and the attorneys for Fisher's Blend Station, Inc. did an admirable piece of work in preparing their briefs. In the opinion of many attorneys consulted by your committee, the Washington decision runs directly counter to the whole course of relevant decisions by the Supreme Court of the United States and it is the belief of your committee that an appeal has considerable chance of success.

"In this connection, it should be pointed out that the power to tax has always and everywhere carried with it a certain amount of power to regulate, and if the states and municipalities can tax broadcasting, it is likely to mean that they will soon assert some measure of regulatory power. The resulting conflict between federal and local regulation would obviously be utterly chaotic.

"Station Liability

"Two other decisions of particular interest to broadcasters were handed down during recent months. Neither of them concerned directly the conduct of communications in general but both of them are very significant in connection with the business of broadcasting.

"The United States District Court for the Western District of Missouri last December remanded to the State Court the suit of Robert J. Coffey against the Midland Broadcasting Company, Remington Rand, Inc. and the Columbia Broadcasting System, Inc. The plaintiff had charged that certain defamatory statements had been made regarding him in a commercial program, the 'March of Time', sponsored by Remington Rand, Inc. and broadcast by the Columbia network which included Station KMBC, owned and operated by the Midland Broadcasting Company of Kansas City, Missouri. Action was brought in the State Court, and Columbia and Remington Rand petitioned for removal.

"The Court, in holding that the plaintiff had a cause of action against the resident defendant, said:

" 'In my thought, then, I put the primary offender in the local studio of KMBC at Kansas City. I assume his good reputation; I assume that nothing in any former performance by him should put the owner of the station on inquiry; I assume even that he has submitted a manuscript and that nothing in it is questionable; I assume a sudden utterance by him of defamatory words not included in the manuscript, an utterance so quickly made as to render impossible its prevention; I assume, in short, a complete absence of the slightest negligence on the part of the owner of the station. With these assumptions is the owner of KMBC liable to one of whom the primary offender has falsely spoken as an ex-convict who has served time in a penitentiary?

" 'The conclusion seems inescapable that the owner of the station is liable. It is he who broadcasted the defamation. He took the utterance of the speaker which came to him in the form of pulsations in the air. Those waves of air he changed into electrical impulses. Then he threw them out upon the ether knowing that they would be caught up by thousands and changed again into sound waves and into a human voice. He intended to do these things. But for what he has done the victim of the defamation never would have been hurt.'

"The decision draws a close analogy between the broadcast of a defamatory statement and the publication of such a statement in a newspaper. In this it closely follows the decision of the Supreme Court of Nebraska in Sorenson vs. Wood. The Missouri decision, however, goes far beyond the earlier one, not only in holding that no possible precaution or diligence in advance of the broadcast could have saved the station owner from liability, but in insisting that even when the defamation occurs in a network broadcast originating miles away from the studios of the station relaying the program, its owner is still liable.

"Ownership of News

"The other decision, handed down in January in the United States District Court for the Northern District of Washington, concerns the unauthorized broadcasting of news supplied by a press association and published in a local newspaper. Action was brought by the Associated Press against KVOS, Inc., asking for a temporary injunction to restrain the station from broadcasting Associated Press reports appearing in the Bellingham Herald, the Seattle Post-Intelligencer and the Seattle Daily Times.

"The Court, in denying the temporary injunction, said:

" 'This Court holds that when general news furnished by complainant, or local news claimed to be under its control as regards republication, has been printed in a regular issue of complainant's member newspapers and that issue has been, in the ordinary course, published and distributed to the public, such news reports from that moment belong to the public, including the defendant and all others who may desire to use them, for all purposes except for sale by a rival news agency to its news publishing members.'

"The decision, which is a long one, discusses extensively the public significance of new agencies for the distribution of news, and also 'the everlasting conflict between private enterprise and public interest'. The decision of the United States District Court of South Dakota in the case of Associated Press vs. Sioux Falls Broadcasting Association, in which the property right of a press association in its news reports was upheld, is likewise fully commented on.

"The Associated Press has appealed from the decision of the Court. The direct conflict between the Washington and South Dakota decisions leaves the question of the right of a radio station to broadcast news immediately upon its publication in a newspaper very much up in the air. Since news broadcasting is becoming increasingly popular and important, the final determination of the law as to property rights in news is eagerly desired by the entire broadcasting industry.

"State Legislative Service

"Between January 1 and April 30 your Association set up, under the direction of the chairman of your Legislative Committee, a state legislative bureau to keep track of all bills affecting broadcasting introduced in the various state legislatures and to render assistance to the broadcasters in each state in presenting information and argument concerning it. More than 120 such bills were reported, many of them involving a large amount of correspondence. In most instances it was possible, through the excellent cooperation given by the broadcasters themselves, to prevent the enactment of state laws which would have been unfair or injurious to broadcasting. The subjects involved range all the way from taxation to libel and slander and the employment of child labor.

"Your committee cannot possibly lay too much emphasis on the importance of continuing and building up this service. In every state the legislation which has been or may be proposed closely parallels what is happening in other states. Experience has demonstrated that neither the individual broadcasters nor the attorneys are adequately supplied with information to deal effectively with such problems. It is absolutely essential that there should be in your Association a clearing house for all state legislative matters so that the cumulative experience covering the whole country may be promptly made available wherever it is needed.

"This state legislative service cannot possibly be carried on by your Managing Director unaided. The experience of the past few months shows that it requires at least half of the time of one person, and for a certain number of weeks when a large number of legislatures are in session it is practically a full time job. The tendency to restrict and handicap the conduct of broadcasting by state legislation is inevitably bound to increase and the only possible safeguard is an adequate centralized source of information and counsel. Practically every other trade organization faced with comparable problems maintains such a legislative bureau and in the judgment of your committee, the failure of your Association to do likewise is bound to be disastrous.

"Conclusion

"At the Cincinnati convention your chairman pointed out that in his judgment it is absolutely impossible to expect satisfactory results if the handling of federal and state legislative matters, together with the necessary educational and public relations work connected therewith, is left in the hands of a volunteer committee. As a matter of fact, the committee system is notoriously inefficient and the industry has recently had a lamentable demonstration of the weakness of any committee, no matter how able its individual members may be, when brought face to face with an individual enjoying the full confidence of the organization he represents.

"No one can foretell what will be the major legislative problems of the coming year but there will certainly be plenty of them. Your chairman does not believe that your Association needs to employ, or should employ, a lobbyist as such. He does emphatically believe, exactly as he advised you in Cincinnati nearly a year ago, that your Association should so expand its Washington staff as to provide adequately for the maintenance of an efficient service covering legislation, education and public relations. It is believed that these three activities could well be concentrated in the hands of one man as they are closely interrelated.

"This is the eighth consecutive annual report on legislation which your chairman has presented to you. It is also his last. It is impossible to close this long period of active service to your Association without expressing your chairman's deep gratitude to all those who, over the eight-year period, have cooperated so finely in supporting the work of your Legislative Committee. In saying that the record of these eight years in the matter of legislation has been remarkably successful, your chairman desires to give the principal credit to those to whom the credit is rightly due—to the members of the broadcasting industry itself.

"At the same time, the record of these eight years demonstrates conclusively that the broadcasting industry has never fully awakened to the differences which beset it and that at critical moments it has been weakened by serious disagreements within its own ranks. In thus terminating his long association with your Association, your chairman asks of you just two things. First, he urges you to recognize clearly the utter futility and inefficiency of attempting to handle through a committee the sort of work that can be properly done only by a permanent staff. Second, and far more important, he calls upon you in this convention, which may very likely lay the foundation for a lot of future history, to recognize that the units in the broadcasting industry are absolutely dependent on one another. That there should be differences among you is inevitable but if you are blind enough to let these differences destroy your fundamental unity, you may as well prepare yourselves for the complete destruction of your industry as such. Only by an agreement to settle your differences in such a way as to maintain the essential unity of broadcasting can you possibly continue to exist.

"To the new administration of your Association, and above all to his successor as chairman of the Legislative Committee, your present chairman extends just one wish, namely, that they may go forward with the assurance that back of them is an undivided industry, fully awake to its problems and dangers, and ready to forget all its minor differences in order to stand solidly shoulder to shoulder in unfaltering support of its chosen representatives." (Applause.)

CHAIRMAN MYERS: I want to thank Mr. Baldwin for reading the report of the Legislative Committee which was prepared by Mr. Henry Bellows, chairman of the Legislative Committee.

Gentlemen, may we have a motion to accept Mr. Bellow's report?

ELMER G. BEEHLER (KGEK, Sterling, Colorado): I move the report be adopted as read.

(The motion was seconded by several.)

CHAIRMAN MYERS: Is there any discussion?

(The motion was put to vote, and was carried.)

Announcements.

The session adjourned at 4:30 o'clock.

JULY 9, 1935

Tuesday Morning

The session convened at 10:10 o'clock, President Ward presiding.

PRESIDENT WARD: Let's have order, men. Now, we've got a very busy session ahead of us and I'm sure it will be a very interesting session. I am going to ask, for the benefit of those particularly who are seated in the back of the house, that we have just as little moving around in the room as possible this morning so as not to interfere with those who are seated in the rear of the room.

First we have on our program this morning a report by the NAB Copyright Committee chairman, Alfred J. McCosker. Mr. McCosker.

ALFRED J. McCOSKER (Chairman, Copyright Committee; WOR, New York, N. Y.): Mr. President, members of the Board and fellow members of the NAB: Mr. Ward said a moment ago that we would have a very interesting session, a very busy session, I should say, and I would like to make a request that it be a session characterized by quiet calm.

I have observed with a tremendous amount of concern, close as I have been to the copyright negotiations, the attempt on the part of a sector of this organization to surround the copyright negotiations with a carnival spirit. It has percolated through a great section of the organization and has percolated to the press. I have particular reference to the daily press rather than that sector of the press that better understands our difficulties and problems, and they refer to it in headlines and bank heads and paragraph heads as "fireworks" and "fight"—that which has to do with these very serious and should be dignified copyright negotiations.

Now, I want to tell you, gentlemen, (and I have been at this thing for a long time, day in and night out) that anybody that thinks he is at a fight or a fireworks carnival, if he persists in it and if that belief grows, I am telling you that you are sitting in the most expensive ringside seats that you ever sat in. This is going to cost a lot of dough unless we part with politics, apprehensions, perturbation, intrigue and plenty of other things I won't bore you with but which are fairly well represented in this very shabby proposition that was handed me this morning when I came into this meeting. Now I feel better. (Applause.)

A lot of people that I am associated with have repeated that the "Mc" on my name is not by accident. But, when I fight, I want to fight with an idea of winning; I don't want to fight with the idea of fighting against each other. By God, I don't know that it is so much a fight as a meeting of minds. That is what I want in this organization and those gentlemen from ASCAP, as far as my observation, have been perfectly willing to establish a condition for dealing that must exist between buyer and seller. They construe us as their largest customer.

Now, as chairman of the Copyright Committee, I proceeded with my associates to enter negotiations with a similar committee of ASCAP. Our instructions were to endeavor to negotiate a "per piece basis plan" for the use of copyright music. Mr. Hostetler has very well named it a "measured service".

Those were our instructions and that is what we originally attempted to do. Personally, you had a very ardent advocate for that method in myself because I have never been able to quite understand why of all the commodities with which we deal in industry, music should be the only one the price of which could not be set by the man it supplied.

Now, I found to my disappointment and I am sure other members found to their disappointment that while the "per piece plan" may be an ideal situation, it is one that cannot readily be set up for adoption and certainly not, with all the ramifications that are entailed in it, by December 31.

So, it isn't so much in my mind that the "per piece plan" was turned down by ASCAP as it is that the "per piece plan" simply was not turned up in time to make it practicable and workable.

And there are those on your committee who, while they did not favor the "per piece plan", said very openly that that was what they had set out to get and that while they might prefer for their own use a blanket fee, that they would not be at all suprised if they came to the conclusion that they were wrong in the blanket fee and that the "per piece plan" was the most workable thing. And, by the same token, those who were avowedly for the blanket fee, said they might find the reverse was most desirable. So, cutting out all the chronology of these meetings with their recurrent 2:30's and 9:30's and "we'll meet you after lunch" and meetings that worked into the small of the night, I want to come promptly and briefly to the point that it is my opinion (and it has evidently been shared in when presented with all its ramifications to the Board of Directors and took form in a resolution which I'll read you to refresh your mind) that the very best thing that could be gotten by this Copyright Committee, with the Government suit in progress, with the expiration date coming upon us shortly, with the Government advising us that as long as you cannot get an extension for merely the duration of the suit, "We have no objection to your taking such a contract as is the best you can get provided it doesn't go beyond the terms that you were enjoying", if those are the terms under which you were working at the time the suit was started—"Don't get a better contract lest they come into court and use it against us",—the very best thing in all conscience and in all sincerity, I report to you and if you have any belief in my sincerity and zeal and interest in this organization, I ask you to accept it, the very best thing that could be gotten with the assiduous and continued work of this committee, was the extension for five years. And, the reason that I have not signed it personally, if it means anything to you, is because when it was first offered, it was not in written form, was put in written form on the seventeenth of June and since that time, has been in the hands of the attorneys for L. Bamberger and Company, the owners of WOR, with my recommendation that it be put in force.

Now, I want to say a word about Warner Brothers. The membership of the NAB is in the very unhappy position, as I see it, of having seemingly to fortify ASCAP by not dealing with the Warner Brothers lest we have immediately two sources of American music to pay for with the implication that if this succeeds, we will have more. It is an unhappy position because we are seemingly fortifying that which we are attempting to deal with on a better basis or more advantageous basis. But, the fact remains, in my opinion, having been carried through these negotiations step by step, and I think speaking the language and understanding it, I don't believe it wise to deal with the Warner Brothers at this time.

Now, I believe that we have an intelligent Board of Directors. I know members among them that entertained fanciful, whimsical and vague ideas concerning the outcome of the ASCAP negotiations with us until a meeting which occurred recently in June at the St. Regis Hotel in New York at which ample time was provided for Mr. Hostetler, the chain representatives and myself, augmented by the recollection and comment of other members of the Copyright Committee, to place before this Board of Directors precisely what has happened in all its harrowing detail and chronological precision, and at the end of that recital and with the men most concerned or chiefly concerned absent from the meeting, the Board of Directors drew up a resolution that I think should remove, if you have any confidence in your Board of Directors, any doubt or glimmering of worry concerning, first, the sincerity and, second, the intelligence of those who negotiated for you. This resolution is perhaps not new to a lot of you but I'd like to refresh your minds.

"1. The Board reiterates that the so-called 'per piece plan' or 'measured service plan' is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.

"2. The Board believes that the two networks and Station WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the Copyright Committee of ASCAP a 'per piece' or 'measured service' plan prior to the expiration of present contracts; and that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry to have available upon the best terms possible, the repertoire controlled by ASCAP; and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled."

The resolution further says: "The Board of Directors believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years. . . ."

It is for your own determination and those that have argued that by inductance—at least this is my view; I haven't a copyright on it; I stand to be sold—those that argue that by inductance because chain affiliates, who by inductance were brought in when the chains signed, must consider this in all fairness.

Bennett, the Government lawyer, the man in charge of the Government's case, persistently told us that we should not enter into a better arrangement; told me there was a brick wall against that sort of thing because they would be thus enabled to go to court and show a penitent spirit with the happy psychology that might put into motion, similar to what the Chairman of our Communications Commission told us yesterday, "There is a different attitude toward the fellow that decided to clean house, that took the program off," and so was it presumed that the psychology that would be set up by a better deal would be in favor of ASCAP and surely while all we want is justice, we don't want to sing their song, we don't want to sharpen their axe.

Now, there is a whole lot to be said here by various people but I want to say in signing off that in my opinion, I am very proud of the Copyright Committee's activities. We haven't a thing in the world to be ashamed of. Neither NBC nor CBS have anything to be ashamed of. I'd regret, if I were of them, I'd resent, but being not associated with either company I can't regret emphatically that there has been this effort to put them on the defensive.

I am very proud of the assistance, the militant, persuasive, dogged, determined, unceasing activity of Ike Levy in this matter throughout these negotiations. Neither has he anything to be ashamed of and I am going to watch with more than academic interest just what the outgrowth of this will be when a group of serious men, all of whose interests are entailed with your own, put in this amount of time and labor and expense—I just want to see whether or not a normal, sane organization can fail to appreciate it.

You know, the day after Dempsey was licked by Tunney in Philadelphia, I attended a luncheon that a hundred men gave to Tunney and on that occasion, Mr. Tunney was telling the story of the difficulty he had had throughout his fighting career to get justice from the press. And, as an example, he told the story of their accounting for Jack's defeat by saying that it was raining and his footwork was slippery. Gene waited for a dramatic pause and at the end said, "My God, maybe they thought the moon was shining in my corner!" (Laughter.)

Well, I allege, gentlemen, there is an analogy. Maybe you think there are two different interests here. I didn't find it in my negotiations throughout the length and breath and depth, if there were no heights to them, of my negotiations with ASCAP, and I repeat I am going to take a more than academic interest to see if this is a safe and sane organization that is going to take a position other than one of great appreciation for the men that have given their time and effort to your fight.

Thank you. (Applause.)

PRESIDENT WARD: Mr. McCosker, I want to thank you for that full and complete report of the negotiations of the Copyright Committee which you have given to this Association and I just want personally to add my endorsement to everything Mr. McCosker has said. I sat through all the negotiations with the Copyright Committee and I want to tell you that those men on that Copyright Committee stood up on their hind heels and fought for what they thought was best for this industry. I sat through meetings from 10:00 o'clock in the morning until 9:00 and 10:00 o'clock at night and if you don't believe that is a strenuous program to go through with the American Society, I suggest that some of you men be put in that place. It is one of the most difficult situations I ever went up against in my life; in many ways, one of the most hopeless. At times there would be variance of opinions when one thing would be suggested at the morning session and at the afternoon session there would be an entirely different story to tell. I want to tell you this Copyright Committee has done valiant work and at all times has worked in your interest.

I suppose the proper procedure would be for a vote on the acceptance of this report. May I have a motion that the report be accepted?

GUY C. EARL (KNX, Hollywood, California): I make such a motion that the report be accepted.

MR. WILLIAMSON; I second the motion.

(The motion was put to vote, and was carried.)

PRESIDENT WARD: Now we come to that point on the program where we pause for discussion. I am going to suggest that since there are many things in your mind at the moment that will be covered by Mr. Levy and Mr. Hostetler, we dispense with the discussion at this time and hear Mr. Levy and Mr. Hostetler and after that open the meeting for discussion. Is that acceptable to you gentlemen? Do you mind voting on that? If you are in favor of that, say, "aye"; opposed, "no."

(The vote to dispense with the discussion until after the reports of Mr. Levy and Mr. Hostetler.)

PRESIDENT WARD: Then we will next have the report from the Treasurer of the Copyright Fund, Mr. Isaac D. Levy. (Applause.)

ISAAC D. LEVY: (Treasurer, Copyright Fund, NAB; WCAU, Philadelphia, Pennsylvania):

Mr. President and Members of this Organization:

It will surprise you to know that I don't believe there are 20% of the members of this organization who understand the copyright situation.

I came out here the other day and talked to probably a hundred men, individually or in groups, who are in this assemblage today. At first they thought they had been sold down the River but when I had explained the situation to them, all of them changed their minds. It was then I became convinced so few of you understand this problem. Yet if there is one factor in your industry that may destroy your business, it is the copyright situation.

If the prices you are compelled to pay for copyright use ever get to the point of where you are paying 25% of your gross receipts, and don't think that impossible, then you will be wise if you give your broadcasting station to ASCAP. I am going to tell you the whole story; I am going to take my hair down. (Laughter.)

And I want you people in this room to listen attentively and carefully because on three other occasions I have told you the whole story and yet you don't seem to know what it is all about. Your whole business depends on copyright and you must form your conclusions from a knowledge of the facts and not listen to whispers from uninformed sources.

I had nothing to do with copyright as far as this organization is concerned, before 1932. I confined my activities to protecting our own Station WCAU in Philadelphia. On two occasions I went to Court and secured injunctions restraining ASCAP from interfering with our business.

When your 1932 contract was entered into I was not consulted. Your Board approved it but I was not in agreement with their action and did not propose to abide by it. It was one week later that I walked into Mills' office and informed him that I would not accept that contract. He probably knew that I intended to bring a suit against ASCAP on behalf of Station WCAU and I did not have any difficulty in securing for our station a better contract than you have.

Now I could have kept that contract a secret. But what did I do. I hopped a train and went to St. Louis; addressed your body and told you that I had a better contract than any of you. And I said I was willing to sacrifice that contract for the best interests of the whole industry. I told you of its terms. Most of you have forgotten and probably few of you know of the terms of that contract.

Now I have had a photostatic copy made of the WCAU contract and I am going to hand it to this young lady and you are cheerfully invited to inspect, analyze and scrutinize it. I will also tell you the terms of it. In the first place when you agreed to pay 3% for the first year; 4% for the second and 5% for the third year, we agreed to pay 5% beginning in 1932. We paid a sustaining fee of $5,000. We were permitted to deduct legitimate salesmen's commissions as well as advertising agency commissions.

I was quite a hero in St. Louis because every time your Copyright Committee had reported to you in the past they had come to you and said: "You must pay more." This is the first time a copyright committee had come to you and said: "You don't have to pay any more for the next five years." But this does not seem to satisfy you.

I know that one Station started by paying ASCAP $500.00 a year and is now paying $65,000 annually for the same service.

We held a Convention at White Sulphur Springs and you may recall that I requested you to pay 10% to me of what you were paying to ASCAP for a period of one year. This in order to conduct the fight, and I told you if you didn't do so, you would pay 300% in 1935 to ASCAP. You responded graciously. It might be appropriate for me to say to you that after the expenses have been paid there will be approximately $22,000 left, and your Board decided the other night that 50% of this sum be mailed to you in the ratio to which you contributed. This will be sent to you as soon as I return from my trip to the Coast. The balance will be sent to you at the end of one year. We are retaining the balance for one year so that we may be prepared to meet unforseen expenses which may arise. I don't think there will be any of those expenses and I believe you will get the balance in 1936.

When we collected this fund we started a suit to dissolve ASCAP. This whole body was very anxious to do anything in the world to break up this monopoly but when the time came to get a plaintiff, when a station had to lend its name as plaintiff, when there was a danger of retaliation in the event of failure, not one of you men came to the front and said "Use my station". So we had to use one of our own and WIP became the plaintiff in the case.

We started the suit and we said to the Court, "Break them", and I later told you that if the Court did dissolve ASCAP it would probably allow sufficient time for re-organization so that music could be obtained during this transformation period from the individual composers, authors and publishers without confusion and harm to the American public. I still think that would be done.

But then the Government came along and started their suit. They did not request the Court to dissolve ASCAP. They said to the Court, "Re-organize ASCAP". Quite a different suit. The Government took the position that ASCAP had the right to exist; that its members had the right to get together provided they acted in a legal manner to collect its fees. The Government, in effect, said to the Court: "You order them to go on the per piece plan, the measured service plan. Let each composer, author or publisher name the price opposite each piece or catalogue to be paid for performance of such music", and then the Government, in effect, says: "If you conduct this business on a competitive basis giving the right to the broadcaster to pay for what he uses, you will then be complying with the law."

This is quite different from asking the Court to dissolve ASCAP. Here we were confronted with the Government asking them to re-organize. The Board of Directors of this Association had approved of the per-piece plan. I have always been against it. But I am only against it for one reason and that is, it will cost us double or triple what it is costing us now. I want to say to you that no one in this room will be more in favor of the per-piece plan than I will be if it will cost less than the present plan. I believe we are interested in paying a fair price for music and I believe that the present price is more than fair to ASCAP. Certainly it is high enough. But to my mind the present plan is the lesser evil of the two plans. It is purely a business proposition. Now, have I made myself clear?

I have been warned and advised, until I have almost gone into convulsions of laughter, to talk to you as if you were children of the ages of 9 and 10. I have been asked to speak in monosyllables so you would understand. I have been told to repeat and repeat because there are a large number of you broadcasters who think the other fellows are pretty dumb and, by the way, some of you fellows who think the others are dumb, are not so hot yourselves.

There are some men in this organization who won't understand and some who refuse to understand and look upon this matter as a political or social fight. For them I have sympathy.

Now let me repeat it so as to satisfy all persons concerned. This is my position. I think the prices we are paying now are high enough and we are all anxious to pay less. And if the per piece plan would bring that about I am for it 1000 per cent. Am I taking it too much for granted to think that I have made myself clear?

But why do I tell you that the per piece plan will cost you more and why am I against it. I will not only prove it. I will demonstrate it.

Let us assume the Government wins its case. What happens? The Court says to Mr. ASCAP, "re-organize on the per-piece plan". Now what does ASCAP do? They send a letter to Sigmund Romberg.

"Dear Mr. Romberg:

The Court has decreed that we go on the per-piece plan or the measured service plan. Will you please send us a list of your compositions with the price you propose charging for the performance by broadcasting, opposite each piece of music?"

Now, isn't that what has to happen?

By the way I read something in this week's TIME Magazine about Romberg. This is under the Personals. I quote:

"Dining in a Chatham, Ont., hotel, Composer Sigmund Romberg took a fancy to the hotel harpist, asked her to play 'Deep in My Heart' from his 'Student Prince.' The harpist did not know it. Could she play his 'Only a Rose'? No. His 'Auf Wiedersehen'? No. Composer Romberg ripped off his collar, autographed it, thrust it at the harpist, finished his dinner collarless."

Now that is the man who receives the letter from ASCAP. You have a sample of his temperament. Now how much do you think he will charge for the performance of his music? I want to tell you that every man who ever wrote a song thinks that Victor Herbert and Franz Shubert were amateurs and that they are geniuses. Their prices will be high. This will be so because their vanity in their profession will compel them to show off to the other composers by placing a high price opposite their piece of music. These music publishers and authors know how much money they are getting now. They want more and they are going to figure out how many times their music has been played in the past. You will probably find Irving Berlin and the rest of them saying they want $1.00 per piece or $10.00 per piece feeling that since we have played their music so much we will be compelled to play it more in the future and they can get that price if they want it. And those whose music is not played so much will charge more to increase their income. And if we were to eliminate the popular music then of what use is ASCAP? But in the meantime what could we do? We would have to play the music of ASCAP and we would have to pay for it and since they would be receiving the gain, what chance would there be of reducing their price?

Let me give you a few illustrations. I happened to be in Mr. Gene Buck's office. He is the President of ASCAP. I was waiting for him. The Secretary picks up the telephone. There is a man somewhere around New York and he wants to play a certain piece of music. He wants permission to give a performance with no charge of admission. The young lady said "I will do the best I can", and then she calls up the composer. I heard an argument that lasted ten minutes. She was pleading and begging him to let that man play that piece of music free of charge. But no, the charge was $15.00. Finally she hung up the telephone and she called up the gentleman who had made the request and with tears in her eyes told him that he would have to pay $15.00 for permission to play that piece of music, even though there was to be no charge of admission. Now that is one illustration.

Let me draw to your attention that when the Philadelphia Orchestra was playing for Chesterfield there was an instance when they had to pay $60.00 for one symphonic orchestration. Now they are the high strung people who are going to be asked to charge a price for each performance of their music.

Take Irving Berlin for example. There are 600 stations in this country. Is it reasonable to say that each station plays one piece of his music a day? If you will consult your records you will find it is closer to ten. But 600 pieces a day amounts to over 200,000 performances a year. Suppose you were compelled to pay an average of 25¢, Berlin would be receiving from the Society $50,000, whereas now he receives about $7,000. From whose pocket do you think that money would come?

Now suppose the average price per piece would be 25¢, and I doubt if you would get it that cheaply. A station plays 2,000 pieces per week or 100,000 per year. That would cost you $25,000. Compare that price with what you broadcasters are now paying. Some of you of course are paying more; but how about the vast majority of you?

Now you members who own small stations. Don't be deluded. If this per-piece plan goes through you will pay double and maybe triple of what you are paying now. Is that what you want? If so that is your business. It is my idea that you want to pay less than you are paying now. At present that is not possible. But at least you have blocked them from charging you more.

Now I know that some of the Copyright Committee feel that this is a matter of supply and demand and that the price of music will find its level. The laws of supply and demand do not apply in this case, because there isn't any equalization. There is the supply. The demand is constant. We must use their music and while some of you men think it will find its level it will only find it if we don't use the music; but if we use it and pay for it, the level must be raised higher. This will be so particularly after the publishers have tasted the payments of $1.00 per piece. But above all, please remember one thing. If you finally decide on the per piece plan and you are compelled to pay double or triple, then never forget that I warned you against it. There is no Santa Claus. I know it and you ought to know it. Under this per piece plan you will be put out of business. And again I repeat to you, I am against it. I must repeat because I have been advised to do so.

Now I wish to bring you down to the present. After having meetings in April and getting nowhere, we again held meetings in the early part of May. The government suit was progressing. It was listed for trial on June 10th. We held a meeting on May 13th in Mr. Hostetler's rooms in the St. Regis Hotel, and I proposed going to ASCAP, with whom we had an appointment at noon that day, with a proposal that they extend our contract for five years on the following basis:

1. We pay 5% on all programs using their music, in which event we would supply them with a list of all music used. We, the broadcasters, had the option to pay 5% on all music, without supplying any lists. I felt that most broadcasters having the right of election would agree to pay the 5% on all programs using music whether it is ASCAP's or not, because the percentage of music used which is not theirs is so small that it would cost us more to keep the records than to pay them on all the music.
2. My proposal was that we pay them on announcements only where the music was not paid for as part of other commercial programs.
3. That we were to be allowed not only agency discounts but the salesmen's discounts. And, of course, we were to pay nothing on programs which did not use music.

This was a better contract than WCAU enjoys at present. Mr. Hostetler objected to our offering any proposition whatever. His idea was that we should listen to ASCAP and then meet again. I thought this was merely a waste of time. We had had too many meetings already. Nevertheless, we decided to call Mr. Bennett, the Attorney General, designated by General Cummings to conduct the case, who was in the hotel at the time, and ask his advice. I won't keep telling you who Mr. Bennett is. When I refer to him from now on you will know that he is the Attorney General in charge. I told him of my intended proposal to ASCAP. He then and there emphatically stated that if we were to ask for anything except an extension of our present contract we would be jeopardizing the government's case, and that if we extended our existing contract, no harm would be done to the government's case. We left there; went to ASCAP and sat in with their entire Board. We were anxious to have the proposal come from them. They, however, were trying to place us in the position of requesting the proposal. In the course of the talk, the proposal did come from them. They left the room for a while and we discussed the situation in their own Board Room.

We told Mr. Hostetler that we would accept this contract only with the approval of Bennett. He kept telling us how it would affect the case adversely. To that I did not agree.

We went to Judge Ashby's office and there it was suggested that we turn down their proposal and request the contract only for the duration of the suit.

Mr. Hostetler still maintained his position that on the eve of trial we should do nothing. I could not fiddle while Rome burned. I saw that we had nothing to lose by protecting ourselves for a five-year period. We sent for Mr. Bennett and he advised us all that if ASCAP turned down our proposal for an extension until the conclusion of the suit, we would then be in the position of having been coerced into accepting the five-year extension and this would not prejudice the suit. In spite of this Mr. Hostetler still assumed the position that we should do nothing.

I was very anxious to see something done promptly. I knew this suit could not be finally concluded for several years, and that it would take at least three years to put into effect the machinery necessary to operate a per-piece plan, if such were the order of the Court. In the meantime I wanted to be sure that the broadcasting industry would not, at the end of the year, be met with a proposal by ASCAP wherein they would attempt to charge us three times as much as we are paying at present. Since we could not accept a contract to pay less than we are paying because of Mr. Bennett's advice, it was very important that we do not place ourselves in the position where we could be taxed three times what we are paying today. In this connection let me state that Mr. Bennett, in the presence of the entire Copyright Committee, said that he had read ASCAP's minutes and that they intended charging us as much as 25 per cent of our gross receipts. In fact, a Mr. Sol Bornstein made that proposal to ASCAP. Mr. Bennett furthermore said that a number of the stations were under the impression that the chains were receiving preferential treatment. He stated to our Board that that was absolutely untrue, and that ASCAP (from their own minutes), regardless of what monies the chains were forced to pay, intended to get as much from the individual stations as they possibly could. They were going to get all they could get from the individual stations as well as the chains.

After the consultation in Judge Ashby's office, we went back to ASCAP and they turned down our proposal to extend the contract until the conclusion of the suit. And please remember that we did not accept the five-year contract at that time. We had refused it and I have here a memorandum that Mr. Hostetler sent to me reciting what occurred that day. Let me read part of it to you.

> "Mr. Levy was the spokesman for the broadcasting interests, and said that they had carefully considered Mr. Mills' proposal, and felt that there should not be a 5-year contract entered into, in the light of the pendency and the early trial date set for the litigation. He asked Mr. Mills whether ASCAP would be willing to extend the operation of the present contract until the date of the final determination of the litigation now pending between the United States and certain individual members of ASCAP. There was a discussion of this proposal, and Mr. Fischer particularly insisted that the broadcasting interests should have the approval of the Board of the National Association of Broadcasters before the Board of ASCAP considered it.
>
> "It was finally decided, however, that the Board of ASCAP should consider the proposal made through Mr. Levy and report as to whether they would be willing to have such an understanding during the pendency of the litigation, and that thereafter there would be called a meeting of the Board of the National Association of Broadcasters as soon as possible—Mr. Levy stating that in his judgment, with the approval of the persons present, the Board of the National Association would approve such an understanding."

ASCAP turned down our proposition and withdrew its five year offer. We were left cold.

Early in May, there had been quite a great deal of talk about calling a meeting of the Board of Directors. I wanted this meeting called so that we could present the whole matter to them, since we seemed to be getting nowhere. On May 24th, I received a telegram from Mr. Loucks.

> "Developments in ASCAP situation may require Board meeting within next ten days stop Suggest you keep in readiness to attend when call is issued stop Just as soon as we are able to fix date you will receive wire and we will endeavor to give you as much advance notice as possible."

I heard nothing more of the Board meeting. I wanted a Directors' meeting. Everybody wanted a Directors' meeting, but we only had $46.00 in the Treasury and the Directors' meeting costs about $1,000. So the meeting was not called. After all what was the use of calling a Board meeting on June 3rd, when we had four working days before trial to do it in, I couldn't have it called in 45 days,—what chance was there in getting it together in four days? And what was the use of calling a Board meeting? Did we want any more committees appointed? Here our price was pegged at our present level for the next five years. We were warned not to accept a contract to pay less than that. What could the Board have done?

I was getting very restless. June 10th was coming along and the case was going to trial. Reliable information had come to me to the effect that the government was not entirely prepared to present its case at that time. Your committee met again on June 3rd, at five o'clock at the St. Regis Hotel. Now the case was less than one week off. Mr. Hostetler was again present. Please do not forget that we were now without any offer from ASCAP. The five year proposal had been withdrawn, with only an intimation that it might be revived. No Directors' meeting had been called. The case was only one week off.

At the committee meeting at the St. Regis we received a proposal from ASCAP which would have been very burdensome and which was not acceptable. It contemplated payment on the available catalogue rather than payments on the present catalogue. That is to say, at present we are guaranteed a substantial catalogue. This includes Harms, Witmark and Remick. Their proposal was going to be on whatever catalogues they happened to have. I felt that if Warner Brothers, who control Harms, Witmark and Remick, withdrew, probably 40% of ASCAP's catalogue would not be available to us.

But since ASCAP was willing to renew our present license and that they would, under the contract, be compelled to save us harmless from any suits by Warner Brothers, I felt that in the event injunction proceedings were successful against any station, we then could negotiate with Warner Brothers and deduct the amount of such adjustment from the price we were to pay to ASCAP. To me this meant protection for all of us.

You should also be informed of what the Warner Brothers situation was. You know that Warner Brothers during the years 1927 and 1928 purchased a number of music houses and paid for them with paper. In those days any green paper was called money. They were now asking ASCAP for much more money than ASCAP could pay. I know the Warner Brothers outfit pretty well. If you have followed the testimony of one of the Warners during the Congressional investigation you would realize what you were up against if you were compelled to deal with them. I would much prefer dealing with ASCAP. Why, gentlemen, Warner Brothers wouldn't even leave you with your eyes to cry with. (Laughter.)

Now I want you to have a little laughter for relief but I am very, very serious in discussing this problem with you.

At six o'clock on June 3rd, the Committee was still getting nowhere and would not act. They were waiting for what they called written proposals, before submitting it to you, even though in the presence of the whole committee such proposal had been made to us orally, which was just as good as if it had been made in writing. When I saw that nothing was being done (and we were in great danger of having nothing done after the case went to trial), I realized, for the benefit of everyone in this industry, we had to protect ourselves regardless of how the committee felt in the matter. An emergency existed.

I then telephoned Mr. Mills and asked him if he would extend the present contracts for five years. He said he would. I came into the room and told them that I was going to meet Mr. Mills in the morning and accept the five year extension provided the entire industry was accorded the same privilege. Mr. Hostetler then said, "I think you ought to tell them about your own contract". To this I immediately replied that the WCAU contract was well known; that I had voluntarily disclosed its terms at St. Louis and meetings since then. Everyone knew of it.

But what could have been his purpose in asking that I send the contents of that contract to you? You couldn't accept a contract like that if it were offered, because Mr. Bennett had advised against it.

The next day, I entered into the contract and I did not sign it until I first called the chains and Mr. McCosker, Chairman of the Copyright Committee of NAB. I told him that this offer was open to the entire industry. He asked that the contract be sent to him. And please remember that at this time we didn't have the continuance until December 31st, 1935, in writing. This was executed about five minutes before the other contracts were signed and you know that ASCAP in the past has changed its mind, so that all you had up until that moment was their verbal agreement to extend our present contracts until December 31st, 1935, whereas our contract only ran until September 1935. I was very happy when I saw it in writing. A verbal contract is as good as a written one but you are compelled to prove it and I would rather have a written one. Please don't think ASCAP was anxious to grant the extension.

I then telephoned Mr. Bennett in Washington. He congratulated me and told me he didn't think we could get such a contract. I immediately engaged the services of an addressing company so that I could transmit the developments to you as quickly as possible. I said to you that I, on behalf of WCAU Broadcasting Company, decided to accept a five year extension of the present contract. I had told you about our contract. You couldn't have accepted a contract for less than what you are paying now even if you had wanted to, because of Mr. Bennett's warning. Would it have helped you if WCAU agreed to pay more than its present contract calls for?

In effect would it have been proper for me to have said to ASCAP "I have a better contract for WCAU than the other members have for their stations. Won't you please raise our price?" I didn't do that. I am not that much of a fool. That would be sheer nonsense.

I want to tell you something at this point about Mr. Hostetler and Phil Loucks. If you think we were at dagger points you are right, but the fact that we had opposite views all inured to your benefit. It was only because we fought, argued and at times approached bitterness that you got the best that was in all of us.

Mr. Hostetler received a very small fee for his services. I want to tell you that never in his career did he work as hard for a client as he did for you, and you ought to appreciate it.

Let me read to you the extension clause of our contract:

> "It is mutually agreed that the certain license agreement between us dated October 13, 1932, is hereby extended upon the same terms and conditions, as therein contained, from the date of its present expiration up to and including December 31, 1940."

I will tell you why I had that clause inserted. I didn't want a new contract. I wanted to protect ourselves against the withdrawal of Warner Brothers. An extension of our old contract included the Warner catalogue whereas a new contract might raise some question as to whether or not we were to use the Warner catalogue.

If you had signed the contract immediately upon receipt of my letter, you would not have been in the position of probably being compelled to meet the defense that you had received a notice of withdrawal of Warner Brothers before you executed the contract, and that you therefore knew that ASCAP did not have Warner Brothers in their catalogue. Now don't be frightened but be a trifle uneasy. It will do you good. I still think that defense may be overcome. I do believe, however, that those of you who signed the contract before you received the notice from Warner Brothers are better off than the rest of you.

But if I were you I would sign that contract of ASCAP'S as quickly as I could get my hands on it and I would not deal with Warner Brothers. I would not even acknowledge receipt of their communication. And by the way if Warner becomes oppressive there is an arm in Washington that can reach out for them as it has done for one of the Warners in St. Louis. You know that they placed a little indictment in Harry Warner's pocket that suggests he come to St. Louis to answer charges of conspiracy in the moving picture industry. He'll be there shortly. After all Warner should not withdraw. They should go back to ASCAP where they belong. That's their crowd. Let them stay there.

By the way, you know what happened with the Government's case. Mr. Bennett was compelled to ask for a continuance until November. I don't know what will happen in November. I do think the Government will win. But isn't it safe and sane to protect yourselves at all times? It didn't go so well because while the Government had all the factual evidence it did not have the chance to prepare it for trial and you know what happens when one is not prepared. Remember the Max Baer-Jim Braddock fight?

What position would you be in if I had gone along with Mr. Hostetler and Mr. Loucks, now that the Government's case isn't going as well as anticipated. Let's suppose ASCAP felt sure of their position and wanted to charge you three times as much. Suppose I had left you in that position? You would have called everybody names and would have eventually paid three times as much as you are now paying. What would you then think of me? And yet, this is exactly what Hostetler and Loucks wanted us to do. If that is the kind of service you wish, you're welcome to it. You may be satisfied with that kind of leadership,—I am not. I gave you direct action.

Now we had a Directors' meeting a few weeks ago. One of the station owners came to me and said: "I am disappointed in you, I always thought that you played square. You certainly gave us a bad deal." I said. "That is very interesting. You may like to know what it is all about." I told the story. He listened attentively and then said: "I want to apologize to you for even permitting such a thought to enter my mind." "I want to do more," he said, "I want to give you my sincere thanks for not leaving me open to double and triple charges." He suddenly turned to me and said: "Will you represent me in the ASCAP matter, and I will pay you for your services." I have had several offers of this kind. I have never accepted a penny from a broadcaster for any such service. Remember you haven't paid me a penny for all the work I have done and when I practice law, and this comes under that category, I usually charge pretty good fees.

My brother begged me to withdraw from this fight. He said, "What the hell are you bothering about? You are restless; you are running around, exciting yourself, you are in New York and Washington most of the time." He said: "Half of the broadcasters don't know what it is all about," and he said: "That I would be accused of selling you down the river." I said, "Leon, sometimes you must save people from themselves."

Do you gentlemen think you would get the kind of contract that is offered to you now if the Government loses its case?

Now there are some other things I want to talk about. I know a number of you men listen to these discussions and you nod your heads in agreement as if you are convinced that the argument presented to you is a logical one, and then you leave the room and somebody comes up to you and says "He is giving us the works." This person does not study the problem but he tells you you have been sold down the river and all that sort of thing. You know I was once a member of a club and they decided to build a new club house, and each member was to contribute $1,000. There was not a word of dissension. The resolution was passed unanimously. The next day 75 resignations were sent in. (Laughter.)

Gentlemen, after you have listened attentively to Mr. Hostetler, please, please ask all your questions here. And when somebody comes to you on the outside and tells you that you were sold down the river say to him, "Why didn't you ask the questions that were in your mind at the meeting? They would have discussed them with you, even debated them if you had so wished." And say to this man, "Why didn't you give your ideas to the organization? And if you have anything to say about this copyright situation, why didn't you do it in the open where your arguments can be answered?"

There is another thing. You will be conferring upon me a great favor if you decide that I am to have nothing more to do with the copyright situation. Really I have worked hard enough on it and I am anxious to be relieved of the responsibilities involved. However, my manhood compels me to offer my services to you in this matter because I have gone so far. I would feel as if I were betraying you if I did not offer to continue this fight. But if you decide that you do not wish me to proceed any further in this matter, I at least will have done my part in offering my services to you, and you will be conferring upon me a favor and relief from responsibilities.

We have an Executive Committee of three. It consists of the President, Managing Director and Treasurer. For two years I have been your Treasurer. Not because I wanted the office, I don't want any office. I never held political office. I don't like it. Last year at Cincinnati at 8:00 o'clock in the morning your entire nominating committee awakened me from a sound sleep to request that I accept the nomination for the Presidency of this organization. I refused. I didn't want it, and I don't care to be Treasurer now. I have only been Treasurer for one reason and that is so I can continue on this copyright fight as a member of the Executive Committee. I have been a very poor Treasurer. I have never seen any of your books, and don't know anything about them. I don't think I would make much of a bookkeeper and besides Phil Loucks has been taking care of that job in addition to his own, very well. I'll O. K. anything he tells me to, except on copyright.

But if I am going to function in this fight; if I am to carry on then I must be elected Treasurer. I think committees as a rule are a failure. I think it would be better if one person were designated to deal with this copyright situation and report to your Board. I am willing to be in that position. I want to take the best propositions I can get to the Board and say: "Now what is your pleasure." It is for that reason I am a candidate for re-election as Treasurer. But remember, only to carry on your fight if you want me to. I'll know by your vote for me for Treasurer whether or not you feel that I have been working for your interests and whether you want me to continue to do so. If you elect me Treasurer you will have given me a vote of confidence. You will have said to me, "We appreciate the work you have done and we want you to continue."

If you decide you want someone else for Treasurer, it's alright with me, and if another person is elected I will make a motion that it be unanimous and I will be the first to congratulate him and wish him well. But I will not accept the Chairmanship of any Copyright Committee. I refuse to feel that I have been on trial. But I have been attacked. I am anxious to know if I have the confidence of this organization and the only way you will show it to me is by casting your ballot for me as Treasurer. When this copyright fight is over you will not find me holding any office, unless you ask me to do so in order to be of some service to you.

It is for you now to say whether you want me to continue this fight. If you give me that vote of confidence I will wear these finger tips out working for you. (Prolonged applause.)

PRESIDENT WARD: Mr. Levy, we want to thank you for your report as Treasurer of the Copyright Fund and negotiations of the Association with the Society. May I have the vote that this report be adopted by the convention? Is there a motion that it be adopted or accepted?

H. J. BRENNAN (WJAS, Pittsburgh, Pennsylvania): I so move.

ARCHIE TAFT (KOL, Seattle, Washington): I second the motion.

(The motion was put to vote, and was carried.)

PRESIDENT WARD: As in the case of Mr. McCosker, we will dispense with the discussion until after we have heard from Mr. Hostetler, NAB copyright counsel. (Applause.)

JOSEPH C. HOSTETLER (NAB Copyright Counsel, Cleveland, Ohio): After the nice way that Ike has spoken about me, I don't want to make any difficulty here but I do want to cover one thing that has been talked about, I suppose, as much as any other one single thing in regard to this copyright situation and that was the letter which I wrote to Mr. Loucks and which, three or four or five days after I wrote it, he decided he wanted to send it to the membership after having sent the full letter to the Board.

Now, I am not going to attempt to review with you the Government's law suit or preparation or issues involved nor any other issues involved, nor am I going to try to quote Mr. Bennett in what he said at the only times when I was present. I was never present, as far as I remember, when he said that there couldn't be anything better accepted. I am not making a particular issue of it but I have no recollection of it.

There isn't any question, as I said to you in Cincinnati last year, that the action by the Government against ASCAP was much stronger than the one which was then pending by WIP. It was stronger, in my opinion, and is stronger because the Government has the right and has put into that litigation not only the case of the monopolistic control which ASCAP has over the broadcasting business by nature of the control and pooling of necessary copyrights and then forcing the industry to buy all copyrights in order to have any one but I think it is much stronger because they have the hotel men's case and use of music in moving pictures and the use of music in synchronized reels of film, all in the case for an examination of the legality of the pooling of the Government monopolies by ASCAP.

I believe that case can be won. I believe it will be won in spite of this contract that has been entered into. That is my belief and hope. I believed it when we were considering in New York an extension of the present contract after the agreement to extend until January 1, which was carried in Mr. Loucks' bulletin and which Mr. Mills and his committee had agreed to and then reported the Board had agreed to—carried in Phil's bulletin. I personally don't believe there is any possibility of ASCAP withdrawing the agreement made to extend the present contract from September to December when we met on June 3 or whatever date it was to consider what should be done.

I thought when we had that meeting to enter into a new contract at that time that it was a mistake. I thought it then. I still think so.

I am reliably informed that Mr. Burkan opened his case to the United States District Court with the statement that there can certainly be no question that this contract is oppressive or arbitrary because the industry, at their request, have extended it for five years from next January to 1940. I thought it was a mistake then and I think so now but I believe it is something that can be overcome if we can show that the thing that led to the extension was a necessity on our part due to the control of the music which we needed, in large part, by ASCAP, and that that need not be necessarily fatal.

I didn't believe it ought to be done and I argued against doing it very strongly just as I argued for two years for the "per piece system" because it was my understanding that my client wanted the "per piece system".

Now, I am not going to speak of the "per piece system" at the moment but am going to come back to that in just a moment and talk to you in a few minutes about it. Not that I know as much as any men sitting in the room or know as much as many men out of the room but I do know what I know to be my orders from my client which was that there be no full line forcing, that ASCAP have no power to force a man to buy the whole catalog if he didn't want to and we should work ultimately toward paying for what we use so that the owner of a radio station, if he desired, could say to a person who wanted to use music, "You can use this music without paying anything; you can use this music paying so much and if you use other music, you have to pay more." I say—and I am starting to talk "per piece" now and don't want to at the moment—I want to talk about June 3.

When the meeting of the Copyright Committee was called for New York on June 3, in substance what Mr. Levy has said was just what occurred. I can't remember the hour in the day when we called Mr. Mills but we called him sometime and there was talk about a proposal he had written on a railroad train and he sent over those papers from which Mr. Levy read excerpts. I think no one there wanted that plan. However, it must be remembered that at that meeting, as nearly as I can recall, the people who were present were Mr. Klauber, Mr. Kay, Mr. Colin, Mr. Ashby and Mr. Sprague, Mr. Russell, Mr. McCosker, Mr. Levy, Mr. Loucks and myself. There was not a quorum of the Copyright Committee present.

Late that afternoon the question of extending this contract, upon the assumption that we couldn't get it extended only for the period of the litigation, was brought up and Mr. Levy made the statement that if he could get the contract extended, he was going to take it for his station and then he followed that by saying, "And if I take it, I am going to write a letter to every broadcaster telling him that I have taken it and that he may have it." And, I said, "Ike, if you do that, you ought also write the broadcaster and tell him not only that the contract which you were getting extended is a better contract than anybody else has, newspaper or commercial broadcasters, but the extent and degree of the preference which you enjoy because I think that is something, in view of the fact that we are acting as we are here, that you ought to pass on if you write a letter."

I understood him to say that was what he was going to do and my recollection is still unfogged after the meeting in New York at which everybody spoke. That night we separated. And, it was also my understanding—and I think Mr. Loucks'—that Mr. McCosker the next day was to get from Mr. Mills in writing the proposal for all broadcasters which could be submitted to the Copyright Committee of the Board.

I had nothing to do in New York the next day and should have left for Cleveland that night but stayed over because I thought we would get those papers and probably would have some kind of a meeting to determine what sort of message to send to the members.

Now, Phil Loucks and I waited together in the St. Regis Hotel all morning and in the afternoon until 3:20 or 3:30 or sometime when we had to go to get the B&O train for Washington. I was going back by way of Washington because I wanted to pick up my associate and partner, Mr. Bemis, who was there working with the Department of Justice with the facts we were supplying them. Mr. Loucks and I got on the train without having any call or information from the Copyright Committee and when we stepped off the train in Washington at 8:00 o'clock or whatever time it was, we stood in the lobby of the station and Mr. Bemis came down from the Department of Justice to go with me to Cleveland. He said Mr. Bennett had a phone call from New York that the two chains and Levy had signed the contract today.

Now, that is the first intimation I had of it. I said to Phil, "I am awfully sorry to have to leave you tonight because if this word goes out, you will be overwhelmed with requests from members tomorrow to tell them what to do."

I got on the train and started for Cleveland and I made up my mind I was going to put on a piece of paper the best thought I had and send it to Phil in the morning, which I did when I got into the office at 8:30. I meant every word I said in it and I was perfectly confident about my understanding with Mr. Levy that the letter that went out to you folks should give the preferences which are in his contract. I am not arguing whether he has a right to them any more than the newspapers have a right to be preferential but one of the issues in the lawsuit was the fact that ASCAP was using its arbitrary power in order to grant preferential contracts in our industry which is interstate commerce, giving certain people lower contracts than others. That is an issue in that suit.

I sent that letter to Mr. Loucks. Sometime later Phil called me. "Joe, have you seen Levy's letter?" I said, "No." He said, "I don't believe it fulfills what we talked of in New York and I want to send to the membership the letter you wrote me." I told him I thought certain paragraphs which referred very intimately to the Government's suit and to the trial of it should not be made public, and over the telephone we agreed to cut those paragraphs out, and that letter went out.

Now, I don't want to quarrel with anybody and so far as I am concerned, I have probably reached the end of the road. But, there is only one way I know to do work for my client, and my client is this Association, whether you are smart or dumb, loyal or disloyal—you are the people I am working for—and so far as I am concerned, I see nothing wrong in passing on to you all of the information.

Now, at the meeting of the Board of Directors, we had a strained meeting. Mr. Klauber felt so deeply about this matter that he wouldn't shake hands with me, and that is the first time in my life that happened to me.

I told them then that it was not my intention to wrong anyone and I said, as there are men in this audience that heard, to Mr. Klauber and Mr. Ashby that I sympathized with the tremendous difficulty that faced them in deciding their difficult problems for those two great chains, whether to go on, as I thought safe, with the Government suit pending—ASCAP wouldn't dare make prohibitive demands—but I realized they had a problem and inasmuch as the action taken at a Copyright Committee meeting with not a quorum present and practically nobody present but Mr. McCosker and Mr. Levy who represented independent stations and inasmuch as the discussions we had at ASCAP indicated Mr. McCosker wanted for WOR a preference similar, there was the duty of passing on to the membership the nature of contracts which were being executed.

Now, in the New York Directors' meeting, I was utterly astounded to find I was attacked for being for the "per piece plan". I think Mr. Klauber was really unfair in what he said about me. I understood you were for the "per piece plan". From the time we had our first meeting with ASCAP, anyone who was present will know I have consistently argued for the "per piece plan" as the final method in paying for music.

To my mind, it is utterly indefensible that any man should make a pool of Government monopolies and say in order to buy one, you must buy all. Imagine an electric current concern saying to the user, "Before we will attach your meter, you have to buy a refrigerator, a curling iron and a vacuum cleaner. You don't have to use them but you have to pay for them." Now, that isn't fair. It has seemed to me that the "per piece plan" is fair and that, as I said to you at White Sulphur Springs, if we had the "per piece plan," the owners of copyright music who are as anxious to have it played as you are to play it, would have an opportunity to compete in having their music played by lowering the price of it instead of sending people around to bribe your orchestra leaders to play it.

Now, I have no apologies for being for the "per piece plan". I realize in the conferences with Mr. Mills certain members of the committee declared themselves as not believing in the "per piece plan" and I understand the state of mind which leads a man to say that Sigmund Romberg, with the confidence he has in the merits of his music, might very easily say, "I'll charge ten dollars or fifty dollars or a thousand dollars to play my piece," and if he does, he'll have to tear his collar off every time he goes where there is a musician because nobody will hear his music.

THE CONVENTION: Hurrah!

MR. HOSTETLER: Now, you know just as well as I do that the one thing the man who has this brain child wants is to trot the thing out and have the people enjoy it. I am not afraid of that. Last night after we went to Pike's Peak, I talked with a man from Australia. I wish you'd have a chance to meet him. They agreed on a "per piece plan" and I think the highest they paid is eight. Your "per piece plan"—now, mark you that I am not a broadcaster—thank God! (Laughter) I practice law and ordinarily, I practice it for people who know what they want. (Laughter) And who hire me to try to get it.

One of the truths that was told me by one of the—I won't say "few" because I don't believe many people lie—but one of the people that told me the truth was Mills two and a half years ago. He said, "Hostetler, you think you know what you want and I think you're on the level but let me tell you when I get ready, I'll divide them under you and you'll have nothing." Now, that is just what he said.

I think you have to take this situation as your Board of Directors said. You have this extension. The chains have signed. I think it is much more important to give the Government every aid you can give them than to quarrel over anything that is past. I have no apologies to make. I think just as much of Ike as I ever did but if I had it to do again, I'd write that letter again and if I had it to do again, I'd tell Phil as far as I am concerned, he could send it out. But, it is much more important that this industry, if you are really going to fulfill your purpose, consistently support and encourage the Government which is now going to fight your battle than that you quarrel among yourselves.

Now, I am not interjecting myself into any factions. I don't want to. I have tried to serve you the best I know how with my limitations. I don't know any way to work for a client except to work for the client. I realize that there are differences in this group but my mandate from the Board of Directors of the group was to fight for the "per piece plan" and I did it as far as I could.

I don't think you need be discouraged but you can write down in your book as final: "Right loses battles but right doesn't lose the war." And, your "right" here, the thing that the Government of the United States is trying to do is put a stop to something that is unfair, unhealthy and is interfering with one of the great industries of the United States.

Now, that is the fact. The basis upon which ASCAP has sold its music has tended not only to oppress you but in fact it has tended to harm them when they sell you for a flat sum the right to go in and take any piece of music you want. The result is surely the overplaying of the temporarily popular numbers. So that if they are interested in stopping the so-called murder of music, the easiest way in the world to do it is to let the men who own the music fix competitively the price for its performance. And, in my judgment, instead of having one dollar or twenty-five cents, you will have a sum such as we were looking at last night on that schedule and then you'll be able to say to the man who wants to buy music at your station, "If you want this music, it will cost so much; if you want another kind, it will cost another sum; and if you want the kind in the public domain, you get it for nothing."

Now, I know this industry is a young industry. I have enjoyed being with you the three times I have been with you. I am not handing you anything. I enjoyed it. I know you are a young industry. The day will come when the radio industry will have pot bellies and sideburns and strong financing but there won't be a lot out in front of the hotel at 5:00 o'clock in the morning yelling, "We want a horse. We want a horse!" (Laughter.)

At the present moment you are trying to develop an industry and, boys, listen to me, you can't play monkeys with it nor you can't abuse it without running the risk of losing it. Now, I'm telling you that. You have an industry the like of which there isn't anything so far as I know on the face of the earth. You hang on a six-month dangle. What you want to do, in my judgment, is to get yourself together and give to the Government every help you can. I don't ask you to blame anybody. I don't ask you to praise anybody. You don't have to praise me or employ me. You pay me and that ends that. But, don't let the Government feel that this industry has weakened because the fact is, Bob Ingersoll said it and it is applicable to right and wrong just as it is to truth and lie. "The truth will fit with every other truth in the world but a lie won't fit with anything but another lie made for the purpose." Right will fit with every other right and won't fit with wrong and wrong won't fit with anything but another wrong."

You are right in this case. You deserve to win it. You've got the support of the Government and you ought to give them your help.

Thank you.

(The convention arose and applauded vociferously.)

PRESIDENT WARD: Gentlemen, you have heard the report of Mr. Hostetler, counsel for the NAB in copyright. Is there a motion that it be accepted?

H. W. SLAVICK (WMC, Memphis, Tennessee): I so move.

E. B. CRANEY (KGIR, Butte, Montana): I second it.

(The motion was put to vote, and was carried.)

PRESIDENT WARD: Now, before we enter discussion, Mr. Levy has asked that he be allowed to make a statement.

ISAAC D. LEVY: There is one more very important matter that I must now bring to your attention. Mr. Hostetler in his address stated to you that Mr. Bennett did not make the statement to our Board of Directors that we could not accept a contract to pay less than we are paying at present. I have made the assertion that this statement was made in Mr. Hostetler's room by Mr. Bennett in the presence of the Board of Directors.

Now, Mr. McCosker, please stand up. Mr. Ward, Mr. Russell and the rest of you members of the Board of Directors.

Did or did not Mr. Bennett make that statement?

(IN UNISON): He did.

PRESIDENT WARD: I am going to ask Mr. Lambdin Kay, our First Vice President, who has not presided, to take the chair.

(Mr. Kay took the chair and called the meeting to order with a resounding "bang" of the gavel.)

ROGAN JONES (KVOS, Bellingham, Washington): Mr. Chairman, may I start this discussion?

CHAIRMAN KAY: You may not. The Chair has a word. (Laughter.)

(Mr. Jones remained standing as Chairman Kay continued.)

CHAIRMAN KAY: As a veteran old presider—who flung a gavel the first time in his life a second ago—I am going to insist that we punctiliously accept the parliamentary rules of order. I have a copy—a brand new copy! I have studied that for at least twenty-five minutes with the result that I have acquired a severe headache and not the slightest idea of what it means. (Laughter.)

I still insist we be governed by it if anybody here can tell me what it is all about. (Laughter.)

As your presiding officer, in this discussion I am going to try to bear out the tradition of NAB that every man can say what he pleases when he pleases, that free speech will just run riot over this place, and to prove to you—you might as well sit down. (Laughter.)

MR. JONES: I can take it, Mr. Chairman. (Laughter.)

(Mr. Jones remained standing.)

CHAIRMAN KAY: And, to prove to you I am utterly sincere and have a complete knowledge of parliamentary law, the first member that I am going to recognize is Lambdin Kay of WSB of The Atlanta Journal of Atlanta, Georgia. (Laughter.)

It's going to be pretty long! (Laughter.)

MR. JONES: Can I depend on that?

CHAIRMAN KAY: Absolutely!

(Mr. Jones sat down.) (Laughter and applause.)

CHAIRMAN KAY: In the twelve years of NAB history, I believe that I have been named on your Board more often than any man representing an independent station in an outlying community in a remote district, in other words, out in the bushes. (Laughter.)

I was named on the original Board in 1923 when NAB was born out of the travail of radio's first copyright cataclysm. I was named again in 1928, again in 1932 and again last year in Cincinnati.

I'll make it as a positive statement there has been no member who ever served on your Board who had as little to say at Board meetings as I have. I had the feeling for years that there were others on the Board much closer to what was going on, with much more first-hand information on circumstances, who were infinitely better qualified to speak and recommend policies for the protection of the broadcasters. I frequently realized that what was going on was completely over my head, that I didn't know what it was all about and it would be presumptuous and foolish and maybe harmful for me to interpose my incompetent judgment against the mature judgment of these men closer to the scene, with more basic facts and better qualified to discharge their responsibility to you.

I am here today to tell you I want to talk, that I'm going to talk and that I know what I'm talking about. I'll say flatly there is not a member of this organization, outside of the few who fought and bled on that copyright battle-front, who know as much about what happened as I do. I believe that I'd be a slacker in my duty to you as an officer and a director if I shirked the responsibility of telling you the facts as I saw them.

In the second place, I claim the same right that any of you all have out there—to get up and shoot off your mouth about anything you want to whenever you want to like I am any time you're fool enough to do it. (Laughter.)

I know this; it will be an intense and immense relief to me to get it off my chest. A lot of stuff has been piling up in me for thirteen years. (Laughter.)

Now, whether unloading it will do you any good, I don't know, and at the risk of being rude, I don't much care!

I happened to be in New York a week beginning Monday, June 10, as a subpoenaed witness in the Government's suit against ASCAP. That date happens to be just three days after the NAB's long-drawn-out, difficult, bitterly fought, all-important but futile negotiations with ASCAP blew up with an explosion that showered a series of contrasting and confusing letters on every one of you members present. (Laughter.)

Before the smoke had cleared away and before the heat of the blast had cooled, I got all sides of that story at first-hand except ASCAP's. (Laughter.)

I got it unofficially, in fragments, from Phil Loucks, and he spoke with intense earnestness and conviction and deep concern.

I got Andrew Bennett's side of the story from Andy Bennett himself, the Assistant Attorney General that Uncle Sam has put in charge of the conduct of the ASCAP suit.

I got it from Judge Ashby of NBC. He told me without argument as a straight-away statement of fact but with intense earnestness and extremely human resentment.

I got Columbia's attitude briefly from Mr. Klauber and his associates.

I got other statements and comments from numerous station representatives who were attending that trial. And, please remember that I was the only member of your Board representing an independent station from a remote district who happened to be in New York during those fateful days, immediately following the so-called copyright blow-up and concurrent with the beginning of the Government's suit.

And, don't think I went around seeking that information. I was exposed to it! (Laughter.)

I had to take it whether I wanted it or not. (Laughter.)

I frequently had the feeling that I was learning too much and hearing too much and that I was involuntarily getting on the spot. (Laughter.)

I am inclined to think now I may be on the spot and was then and I'll tell you, if that be true, I'm damned glad of it! I'm damned glad I got all the facts I did in the way I did!

I haven't a thing to lose in this assembly, gentlemen, except some very fine personal friendships. I don't owe anything in this except the honorable obligations acquired under those friendships. I haven't a thing to gain except the strengthening or broadening of friendship and respect.

While it may be of little interest to you, I have but one consuming ambition in life and that is to get the maximum enjoyment out of being married to my wife—and my foot slipped badly once in this convention. (Laughter.)

And to avoid all the work and worry I possibly can during my remaining years in this vale of tears and static. (Laughter.)

And while it still may be of less interest to you, when I die they can carve on my tombstone the kind of an epitaph suggested by Ring Lardner for himself: "Here lies Lambdin Kay—what of it?" (Laughter.)

I possibly go Al Smith one better. I not only believe that you can't embarrass me—I don't believe I can embarrass myself. (Laughter.)

But, we'll get back to the mix-up. After that illuminating week in New York, I was able to get home in time to turn my back on my station's affairs again and go back to New York and attend the directors' meeting at the St. Regis Hotel. Time had cooled things off—but had not explained much.

We had an all day meeting in two sessions with all directors present except Leo Fitzpatrick and Powell Crosley who couldn't get there. We heard from McCosker, your Copyright Committee chairman. We heard from Klauber, for Columbia. We heard from Ashby, for NBC. We heard from Levy, Treasurer of your Copyright Fund. We heard from Joe Hostetler, your copyright counsel. We heard from every solitary soul except Phil Loucks—and I think Mr. Hostetler substantially told his side of the story.

In that session, your copyright chairman reported the disappointing efforts of trying to get you a fair contract from ASCAP. He reported without passion and without comment. The networks and Ike Levy laid down their statements of fact and supporting argument with substantially this declaration: "We have been accused of selling the industry down the river. We consider this an outrageous, unfair, unwarranted charge. We resent it as keenly as honest men can resent a false accusation. Instead of censure we believe we deserve the thanks of the industry, yet we are on trial, and all we ask is a simple verdict of guilty or not guilty."

Mr. Hostetler then stated his side of the case and Mr. Louck's part in it. Mr. Hostetler spoke with the same sincerity and conviction he did today, and with a sincerity similar to that of the representatives of the networks, he gave his conclusions. He didn't say so directly but I felt that Mr. Hostetler felt that he, too, was on trial. And, in addition to Ike and the networks and Mr. Hostetler, I had the absolute conviction that somebody else was on trial and that was your Board (and I am on the Board) and that you would return the final verdict two weeks later here at Colorado Springs.

And, I want to say that during those two exhaustive sessions, your President presided as a fair and impartial referee. He and every party in the controversy invited every director to ask any question at any time and I tell you that there were many intelligent and pertinent questions asked and they were answered fully and freely and without restraint by all sides.

I am unqualifiedly of the belief that we got all sides of that at the Board meeting at New York. We not only got the facts but got besides a world of unconcealed resentment and bad feeling and we got unmistakable proof of diametrically divergent opinions arising from diametrically divergent viewpoints. I am inclined to think that any of your directors who did not see that all the facts were bared, all the cards laid down, all the story told at that meeting, would not be able to see Pike's Peak from the Garden of the Gods at high noon on a clear day.

I further think that any director who could not reach a definite conclusion from those facts as laid down is incapable or afraid to or won't consider that one plus one equals two.

I may be a little harsh in saying that because I had the great advantage of being there the week before but I tell you advisedly and solemnly that every allegation of fact, every difference of opinion, every charge and counter-charge, ever human, personal element that was paraded before the Board for you and the Board to pass judgment upon—checked and tallied and dovetailed exactly to that headlong, bedlam story I heard from all sides unwillingly and unofficially the week before.

I think that was significant to me then and I think it is to you all now.

We recessed at 1:30 and reconvened at 2:30. Judge Ashby of NBC and Mr. Klauber of Columbia, who had appeared at their own insistence that morning, were not there. Mr. Hostetler was not there. Ike Levy was there only briefly. Nobody was there except your duly elected Board of Directors. Every fact and every allegation and every claim and every opinion and every explanation developed at that morning hearing was discussed and argued fully and frankly and freely and without restraint.

At the outset Mr. McCosker suggested that a resolution defining the issue be drawn, upon which every director could vote his convictions, aye or nay, yes or no. After hours of chin-wagging, Mr. Carpenter, the great old resoluter, (Laughter) submitted a text for a resolution. The Board could not agree on the exact wording so a committee was appointed to draft it. On that committee were Mr. Carpenter, Mr. Lyons of Baltimore and I, with Mr. Loucks serving ex officio. This committee adjourned to Mr. Loucks' room. When we reached it, Mr. Hostetler was there. I took it upon myself to inform him immediately that it had been the sense of the Board that he not be present at the afternoon session.

The committee drafted a resolution substantially embodying the text Mr. Carpenter had originally suggested. It did not define the issue clearly enough for me. It was not tough enough for me. I wrote two substitute paragraphs to the resolution Mack read you. One related to the Board's declaration on the "per piece" or "measured service" basis of payment to ASCAP and the other—and more important to me—was the question of good faith or bad faith on the part of Levy and the networks on one side, of Joe Hostetler and Phil Loucks on the other side, and McCosker in the middle.

Every member of that committee and every member of the Board will tell you that I tried, rightly or wrongly, to make that resolution state, plainly and unmistakably, the issue I considered paramount—the good faith or the bad faith, the honesty or dishonesty, of everybody connected with the copyright negotiations.

I told them that I wanted to vote "aye" or "nay" on that plain, simple issue. I told them that I wanted to come out here to Colorado Springs two weeks later with my chin up, able to say exactly what I had voted on, how I voted, and why. I told them that I didn't want any director to be able to come out here and say that he didn't know exactly what he had voted on, or that he was influenced to vote by anything except his own judgment and conscience, or that he voted with the belief that all the story had not been told, or that he voted as he did because it looked like the best thing to do, or that he voted "yes" when he wanted to vote "no" or not at all.

The committee returned to the Board meeting and submitted both the majority resolution and my two substitute paragraphs. After more consideration and discussion, it was finally agreed to vote upon an amplification of the committee's draft of Mr. McCosker's original resolution. It was not quite plain-spoken and unequivocal enough to suit me but it was a pretty clear-cut, straightforward resolution—and it was all I had to vote on.

The Board then voted unanimously in favor of that resolution—that is the resolution you heard today and published in the bulletin—and to me a resolution tantamount to a declaration of the Board's belief in the good faith and honorable intent of every representative of the industry concerned in the ASCAP negotiations—and reiterating the Board's belief in the equity and soundness of the "per piece" or "measured service" basis in compensating owners of copyright franchises and emphasizing that we cannot operate our stations without some of ASCAP's music. Later the Board unanimously passed another resolution declaring that Phil Loucks had been within his rights in circulating the Hostetler letter.

So much for that Board meeting two weeks ago. And, I ask that you bear in mind that every word I've said so far has been a report of facts as I saw them without any attempt to construe them or to analyze them or to comment on them.

I now would like to outline some of my own conclusions based on the facts recited and on which I based my vote at that Board meeting, a vote that I unqualifiedly meant then and one that I uncomprisingly stand by today. Long before I began this speech, or even while I've been talking, you may have reached your own conclusion. I concede you a perfect right to do so but I deny flatly that anybody except on the firing line has had as much plain, cold fact to determine his conclusion as I have.

You may have decided that the networks and Ike Levy wear horns and tails, or that Phil Loucks and Joe Hostetler wear wings and halos, or vice versa, or that your directors did a convenient job of whitewashing, sidestepping, straddling and passing the buck. I can't speak for any member of the Board except myself, but I reached none of those conclusions—and I voted on a single, obvious issue—the responsibility of protecting the interests of broadcasting against ASCAP. And I voted my sincere and unchangeable and everlasting belief in the honor and decency and zeal and trustworthiness of radio's chosen leaders.

And, here's why. Consider Alfred J. McCosker, twice your president, a man who has pulled himself up to the top of the radio ladder by sheer courage, character and brilliance. He fought your battle as chairman of your Copyright Committee. He knows more and suffered more than I. He voted on the same resolution I did and he voted like I did. I've known Mack for thirteen years. I nearly went to work for him once. And, I invite and challenge any of you, or any committee of you, to look that Irishman in his blue eye and tell him he's a fool or a double-crosser or a traitor.

Consider Judge Ashby, general counsel of the NBC, an eminent attorney, carrying the fearful responsibility of guiding wisely the legal course of the greatest single broadcasting interest in the world. Judge Ashby's position in life is so far above mine that I with genuine diffidence say I differ with him on three of his fundamental points of philosophy of this copyright puzzle. But, does that warrant my besmirching Judge Ashby's character or challenging his integrity and sincerity in reaching a difficult decision vitally affecting the interests he is pledged to serve and vitally affecting the entire industry? Questions like those, gentlemen, are too stupid to answer.

Consider Mr. Klauber, second in command of the Columbia network, an organization that has amazed the world with its record of establishing itself as a pivotal power in American broadcasting within a very brief span of years. I don't know Mr. Klauber very well. I don't know whether I agree with him on his copyright fundamentals. But, I do know that Mr. Bill Paley is thoroughly in accord with the action Mr. Klauber took. Can anyone here make me believe that Mr. Paley and Mr. Klauber would risk wrecking the structure they have built, that they would betray the very interests on which their past progress and their future success is based for a fancied advantage of a few thousand dollars or a few hundred thousand dollars or a few million dollars—if these dollars were gained at the expense of their hundred affiliates? And again I decline to answer my own question!

Consider Ike Levy. Everybody here knows Ike as a shrewd businessman, an astute lawyer, a successful station operator, an enthusiast in championing his own beliefs and convictions for the good of this industry, and, until I took the floor today, the man who always makes the longest speech at NAB conventions. (Laughter.)

There is nobody in this outfit who spoke more freely in telling you and telling your Board where he stands on copyright than Ike. Nothing he has done conflicts with what he has openly and frequently said he wanted to do and was going to do. I know that Ike Levy believes he has been fighting for you in this struggle, that the course he took was not only the only course but the best course, and that many of you—and I—will suffer because we have not done what he did—and there is nobody here that can make me feel differently!

Consider Joe Hostetler, a great attorney with a great heart, the legal associate and intimate, confidant and friend of Newton D. Baker, one of America's conspicuous intellects, statesmen and sociologists. Sir Galahad set forth to restore the Holy Grail to Christendom with no higher purpose, with no purer motive, with no more unselfish devotion, with no finer spirit of righting a grievous wrong than did Joe Hostetler when he leveled his lance against ASCAP. I happen to disagree with Mr. Hostetler on all important fundamentals in this business but does that lessen my gratitude, does that undermine my belief in his steadfast loyalty to what he considered a sacred trust! And, I'll pass the answer to another Goldberg question!

We come to Phil Loucks. Phil Loucks is my good friend—by my good fortune, perhaps a closer personal friend than he may be to some of you, but in no sense a truer or more incorruptible friend to me than he is to the humblest of us here today. Phil is the kind of a friend I would enjoy going down the river with even if I knew he was wrong morally, spiritually and every other way! (Laughter.)

It so happens I don't have to crucify myself for Phil Loucks. He needs no defense by me or any man living. But, I happen to disagree with Phil on one fundamental. His course in this matter has been marked by the same shining fidelity to duty, the same rugged consistency in what he considered best for the high and the low, the same effortless policy in hewing to the line regardless of the fall of the chips, the same disregard of his personal fortunes when forced to choose between what he considered right and wrong, the same sympathy, intelligence and brilliance and desire to play fair that have stamped his work for the past five years as the most conspicuously sound and successful administration of an industry's affairs that this country's economic history will show.

Now, as I said, I disagree with Phil on where one fundamental piece of this copyright puzzle fits into the finished picture—the same item on which I differ with Joe Hostetler—but does that by one iota, jot or tittle subtract from the measure of my friendship for Phil? Not on my side! Nor does that dim my recollection of his fearlessness and vision, his wise, unwavering and skillful piloting of the good ship NAB through quiet waters during the hurricane of the New Deal. It doesn't alter my estimate of him as the man who has done more for broadcasting in the past few years than any other man in it and doesn't modify my opinion that this industry and the American people owe Phil a debt greater than they will ever understand and certainly greater than they will ever be able to repay.

I have so far reported to you certain things that I accept as facts and a few conclusions based on those facts. I now beg your indulgence while I venture into that dangerous and overcrowded no-man's-land of personal opinion.

From the towering vantage point of the second-guesser, and with the blessed omniscience of hindsight, I venture to think that every member, every player on our copyright team, straining to give his best for our side, under frightful pressure, at one time or another either muffed the ball, struck out or stole second with the bases full during our recent crucial game with ASCAP—particularly in that ninth inning with the score tied. (Applause.)

I don't believe the game is over! And, adroit and crafty as ASCAP is, as unscrupulous and ruthless as ASCAP is generally regarded to be, I don't give ASCAP credit for having split the NAB. I don't believe the NAB is split. If there is any temporary schism in the organization, it is marked by a line of cleavage resulting from honest but opposite viewpoints. I think a franker admission and definition of this conflict of opinion, a franker effort to understand and explain and reconcile these differences, is an imperative but by no means hopeless task. And, I think our leaders have the guts to undertake it, regardless of whose skull gets thumped or whose vanity is damaged! It will be a difficult task because there have been wounds suffered in this fight that will be long in healing and that will leave lasting scars. There have been hatreds kindled whose embers may smolder forever and there have been injustices done that not only cannot be rectified but never can be forgiven!

And, the membership can elect to make this job easier or more difficult. There are certain of us here who are too prone to help pillory a man in the spotlight of responsibility and then stand off in the dark and snipe at him with brickbats and dead cats and infirm eggs. (Laughter.)

There are certain of us who are so eager to believe anything detrimental they hear about anybody just provided it is unworthy and nasty that they have lost the faculty of recognizing simple truth when before them.

Now, I am primarily a newspaper man but I thoroughly believe that radio is exerting a more powerful influence on the manners and morals and tastes and ethics and lives of the American people today than the press ever has or ever will. (Prolonged applause.)

But, if Ed Bill can't trust the man that is sitting next to him and Martin Campbell can't trust the man across the aisle and none of us can trust the men on this platform, this industry is in a hell of a shape to direct the almighty power of broadcasting toward the goal of human betterment, and I'll add one point that Joe Hostetler hinted at: if this organization persistently and successfully continues to make public to the world that we are utterly incapable and unworthy of handling this franchise, they are going to take it away from us and that means I'll lose my fifty kilowatt channel and Wright Gedge will lose his 250 watt station and they'll take all these valuable franchises and pour them into the public jackpots and let somebody run them, even on a basis that nobody could run it worse! (Laughter.)

This industry has suffered no disaster, in my opinion. It will never suffer a disaster! There is no man in it and no group of men in it big enough—or little enough—to wreck this industry. Were that possible, we would have done it long ago! Heavens knows, we've tried hard enough for thirteen years!

I am not a preacher. I am not a prophet. I have no cure whatever for the growing pains of this industry and if you ever meet a man who tells you he has, treat him gently and call the mental ward. (Laughter and applause.)

But, I do have a prescription that I think might do this outfit some good. What I'd really like to prescribe for this outfit is a good strong laxative. (Laughter.)

This body is suffering from faulty elimination. (Laughter.)

It has faulty elimination of ugly suspicions and poisonous prejudices and silly fears and petty ambitions and a million other unwholesome things!

I can't prescribe the laxative because the networks have booted them off as undesirable and even Chairman Prall objects to the way we use the language. (Laughter.)

So, the next best bet would be an antiseptic or deodorant—but the people who govern our morals now say that is not so good. (Laughter.)

So, I come down to a disinfectant—the world's finest and cheapest disinfectant—the world's most potent purifier—sunlight! I prescribe sunlight for the NAB. If there are any malignant germs or unhealthy growths concealed in any out-of-the-way corners, sunlight will sterilize them. If there are any black widow spiders spinning webs in odd nooks, we can see them and step on them. If there are any big, bad bogeymen lurking in the shadows, waiting to jump out and scare us, as so many seem to think, we can see them and know how to handle them.

But, if, as I abidingly believe, we don't see a damn thing except the unsubstantial, elusive and harmless shadows that the sunlight itself will dispel, I think I can assure you of two things. One is that we'll take a lot of fun out of NAB's everyday affairs and NAB conventions for those brethren who love to come out and wave the bloody shirt. The second is that you patient and hardworking delegates who are trying to do the right thing, will never have to go through another ordeal of listening to a harangue like the one you have just heard, at least from this humble toiler in radio's vineyard. (Applause.)

So far this great imbroglio between NAB and Kid ASCAP has come from the platform. We are now preparing to pitch it down on the floor and The Chair makes a special rule suspending all rules to permit the use of the stranglehold and brass knucks and lead pipe. I simply ask this, as Ike Levy asked you: if any of you have anything festering inside that just has to come out, let it come out here and don't remember when you get on the dark side of the bar, "if you knew what I know". This is the place to shed them. The second is I would like everybody to identify himself. You may be a big shot in your own back yard but our charming stenographer does not know you.

MR. JONES: The Chairman has spoken like a true member of the press—first. We enjoyed his talk, I am sure.

I wish to open this discussion, if I may, by submitting three resolutions, or motions, I should say, because we do not present resolutions from the floor, which I will read and submit copies to The Chair. "The world will little care nor long remember what we say here but it can never forget what we do here."

Speaking extemporaneously following a succession of network adherents who have tried conclusively to show that the public interest has been served, I wish to submit these resolutions, reading them to you, furnishing copies to The Chair and then speaking very briefly upon them.

"Resolution No. 1.

"Since it is the consensus of the members of the National Association of Broadcasters, while duly and regularly assembled at the thirteenth annual meeting at Colorado Springs, Colorado, that the Attorney General of the United States should be commended for instituting anti-trust proceedings against the American Society of Composers, Authors and Publishers, et al., and

"WHEREAS, the Attorney General of the United States has faithfully and diligently served the public interest by proceeding with such suit against the members of said Society with dispatch and in a commendable effort to rid the people of this country of monopolistic practices which are subversive to the business principles of a free people, and

"Whereas, it appearing that the public interest necessitates and requires that such proceedings be pressed to a final and speedy determination, it is now

"Resolved, that this Association hereby goes on record as favoring and approving a continuation of the activities of the Attorney General in the Government's proceedings against the American Society of Composers, Authors and Publishers, et al., and that the President of the Association is hereby directed to express our gratitude and appreciation to the Attorney General for such action on the behalf of the public interest, and it is respectfully urged that the Attorney General continue therewith, with the assurances of our support."

Mr. Chairman, I am about to move that the Resolutions Committee be directed to bring in such a resolution. Therefore, I am not presenting a resolution but a motion.

"Resolution No. 2.

"(A repetition of one of last year's resolutions):

"Resolved, That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, The Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners."

And, lastly:

"Resolution No. 3.

"Whereas, Joseph Hostetler, the counsel for the copyright activities of NAB has made a complete and full report of his activities in this respect, and since his efforts in this regard have at all times been prompted by a sincere desire to perform a distinct service to the broadcasting industry as a whole, in following out the instructions that this industry gave him as its attorney, it is

"Resolved, by this body that Joseph Hostetler should be warmly commended for his efforts to obtain relief for the broadcasting industry from the ravages of the American Society of Composers, Authors and Publishers, and it is recommended that he be given the opportunity to continue to give the same service to the NAB and the members thereof at large as he has in the past."

Mr. Chairman, I move the motion that the Resolutions Committee be instructed to pass these resolutions.

CHAIRMAN KAY: A motion is not required. I refer them to the Resolutions Committee by my power as Chairman.

MR. JONES: Nevertheless, I think it would be fitting that this motion be voted upon because we are not gathered here to talk of the personalities involved in this situation, it makes no difference whether Hostetler and Loucks wear horns or halos and it makes no difference whether Ike Levy has wings or a tail, the fact remains that we are here to determine if this industry proposes to proceed under an independent leadership in the service of the public interest or whether we are here to continue to follow a Pied Piper.

And, I ask you gentlemen who have network affiliations to remember this. For myself, I run a little coffee grinder out in the far northwest corner. I ask you gentlemen to think back in your experience and remember the day when the motion picture operators, the exhibitors, if you please, were the proud masters of a growing industry and I ask you to look at them now—the servants of what might be called the networks of the motion picture industry.

And so you stand today with the momentous decision of not who wears the horns but whether you are freeborn men serving the public interest or whether you are here to continue to follow some leadership such as the man who was president of the N.E.L.A. who led the power industry to the brink of the abyss where it stands today!

And so, ladies and gentlemen, I move that the Resolutions Committee be instructed to bring in these motions and I ask the Chairman for a vote upon this subject to see if we may have a division of this house early in order that we may determine how much skullduggery is going on behind the scenery.

MR. CISLER: I second the motion.

CHAIRMAN KAY: I'll entertain the motion if he insists.

(The motion was put to vote, and was carried.)

CHAIRMAN KAY: Any further questions or discussions?

(Announcements.)

JOHN SHEPARD, 3RD (Yankee Network, Boston, Massachusetts): I have about six points that have not been made clear. (Applause.)

Mr. Kay, you said that the directors at the recent meeting in New York unanimously approved a certain resolution. I think it should be made clear that it was probably unanimously endorsed on second consideration because unless I have been misinformed, three or four of the directors originally voted against it. I presume that they reconsidered and approved it unanimously after having expressed their opinion.

CHAIRMAN KAY: You are utterly misinformed.

MR. SHEPARD: O.K. I'd like to ask Mr. Levy what has happened to the WIP suit. I don't believe it was made clear.

ISAAC D. LEVY: It is at issue—has been ordered to trial. Because we all felt the Government's suit was stronger than ours, allowed to rest until the Government finally determined its suit. Will be brought to trial if it is found necessary in the judgment of Mr. Hostetler and myself.

MR. SHEPARD: If the "per piece plan" would be so much more beneficial for ASCAP, why do you figure that ASCAP will not accept it

ISAAC D. LEVY: I didn't make such a statement. You misunderstood me.

It will cost us much more and yet would not be more beneficial to ASCAP because it would cost ASCAP a million and a half dollars a year more to put it through. That is the answer.

MR. SHEPARD: O.K. I disagree with your answer but I wanted to get that.

ISAAC D. LEVY: That is your privilege. Would you like to know how it will cost more?

MR. SHEPARD: I grant you it will cost ASCAP more but I doubt the million and a half.

ISAAC D. LEVY: Mr. Shepard expresses a doubt after Mr. Bennett, the Attorney General in charge, and every one of us know it will cost very much more. If you are willing to take a doubt in Mr. Shepard's mind, based on no facts but based on suspicion without a study of the facts, take it—it's your privilege.

MR. SHEPARD: Frankly, Mr. Levy, if you had a contract the same as the rest of us, would you have been in such a hurry to renew it?

ISAAC D. LEVY: Absolutely yes because I want you to know, Mr. Shepard, that we were bound to accept the contract to pay not less than we are paying now. That brings us to the point where the least we could pay is the present contract. Under those circumstances, was it good business to do so or take the chance of paying two or three times more?

And, at this time, let me say this: Mr. Bennett told the Copyright Committee that he had read the minutes of ASCAP and from their minutes, they intended to charge us up to 25 per cent of the gross receipts of our business. Under those circumstances, was that good insurance? Judge it for yourself.

MR. SHEPARD: The next question I don't understand is you made the statement we couldn't negotiate a better contract. By that you mean Mr. Bennett said it might be prejudicial to the Government's suit to do that?

ISAAC D. LEVY: Yes.

MR. SHEPARD: However, if in the opinion of the Directors of NAB a decidedly better contract could have been entered into for the whole of the industry, the Directors were not bound to accept Mr. Bennett's instructions on the matter?

ISAAC D. LEVY: Is that a question?

MR. SHEPARD: Yes.

ISAAC D. LEVY: No, they wouldn't be bound but when the Government goes to the trouble and expense in order to protect our industry to institute a suit, then I don't feel our Board of Directors could have slapped the Government in the face and said, "Even though you think it is prejudicial to the case, we'll do what we want."

MR. SHEPARD: You said you were pretty sure at the time you entered into that agreement that the Warner Brothers' split was going to occur, and that you are protected by your contract and you said that the stations that did not rush in to sign were not protected as you would be protected.

I would like to ask why the Copyright Committee couldn't have extended that protection in the deal with ASCAP to the entire membership.

ISAAC D. LEVY: In the first place you had not 24 hours but about two weeks before you got a letter from Remick, Witmark and Harms. Following that you got an offer in writing from ASCAP and ASCAP's position to you today is that you are protected.

The Convention: No! No! No!

ISAAC D. LEVY: I say to you gentlemen that ASCAP has made the statement to me that they will protect you today. ASCAP's position today is when you sign a contract with them, you are protected because they have the performers' rights and producers' rights and the publishers' rights. They are members of the association and they deny the publishers' rights to withdraw. They say that right lies with the membership and since the authorities of Remick, Witmark and Harms are still members, I say that you have the protection according to their statement. If you think not, ask them.

MR. SHEPARD: Do you think ASCAP should have sent a letter to all members? Of course, you couldn't control that.

ISAAC D. LEVY: That is a matter of strategy. Had I been in ASCAP'S position, I wouldn't. ASCAP wanted you station members to be in the position of requesting. We were on the eve of the trial and while we were using strategy, they weren't such fools, either.

However, in the presence of our entire Board, they made the proposition to us of the five-year extension, and an oral contract is as good as a written one and had we accepted, it would have been binding.

Does that answer your question?

MR. SHEPARD: Yes. The next I want to ask of Mr. Hostetler.

ISAAC D. LEVY: Are there any others you want to ask of me?

MR. SHEPARD: I don't believe so. In Mr. Hostetler's letter to Phil Loucks (a copy of which went to the membership) reference was made to an offer by ASCAP about a year or so ago to the Copyright Committee which, as I read Mr. Hostetler's letter, was very favorable to the industry. It is my understanding that that offer died in the Copyright Committee and was never presented to the Board of Directors or the membership. In Mr. Hostetler's letter (because Phil Loucks evidently knew what the offer was) it was not clearly outlined and that is one thing on which I think we are all entitled to full information.

MR. HOSTETLER: You refer to the last paragraph in that letter. I don't remember when it was but at one time Mr. Mills told me that the only plan on which any broadcaster could extend his license at the expiration of the present one was that he collect five per cent. on all programs using their music as agent from ASCAP from the advertising broadcaster and issue a license to the broadcaster. It was my opinion when he told me that, I wrote him and asked him whether I could submit it. Now, I haven't my files but I am sure I am right. I wrote him and asked to have it submitted to the Copyright Committee. It was my opinion then, just as I say in that letter, that the purpose was to reach total chain income and it wasn't a bona fide offer.

When we discussed it in New York, it was some months later and there was a counter proposal made of having seven per cent. on station income and no tax on what we have called briefly the twilight zone in the chains.

Whether it was submitted to the Board or not, I don't know because there was a meeting in the winter which I didn't attend because I was sick at home. In my letter to Phil, the last paragraph of it was intended to be perfectly fair about that. I won't take time to read that to you.

At any rate, this is past and we cannot retrace our steps. As I say, I do not believe Mills ever gave me authorization to pass that out to the members or to broadcasters generally. I didn't believe it was on the level when he made it. But, I passed it on to the Copyright Committee and I don't know whether it was ever put up to the Board or not.

MR. SHEPARD: In your opinion, that offer was a much better one than the one we have now for the whole industry except the chains?

MR. HOSTETLER: No, I don't. It is rather difficult to explain what I think and I realize when I do it is very apt to be misunderstood.

But, this is the fact: if you paid Mr. Mills on a five per cent. basis leveled against gross income, you would take out of the industry a very large sum of money, much larger than you now do. Now, John, when you spend a dollar, it is gone—no matter who spends it. The chain has to pass out to the outlet stations an amount agreed to by the chain as price. And, once you know who is going to bear the copyright expense, you can take care of it in that negotiation. That is why in that letter I thought I was being perfectly fair. Undoubtedly each station has used the fact that it was passed by the chain in dickering the chain price to be used in outlet time. Now, any amount you pay for music can't be used in any other way and, therefore, it is advantageous, in my judgment for the industry, first, to pay as little—I don't mean as little as it can—but a fair amount for the use of the music and after you determine the method by which that is to be done and who is to pay it, then you select the figure in the amount which the chain passes on to the outlet stations.

I don't know how those negotiations are being taken care of but it seems to me if you "up" the amount to ASCAP, you are just paying more than the music is worth, you have all of the disadvantages of your both buying and haven't gotten anything in return for it.

Therefore, while the offer of five per cent. would look awfully good to a station that didn't have any chain connection, in my judgment, (and with the light I have I am trying to be as honest as I can) it would be a disadvantage to the industry as a whole. Now, I believe that.

MR. SHEPARD: Well, there is one point there. If the charge was made only where ASCAP music was used and if it was made on the net price paid by the client, it would be very easy to add five per cent. for use of music the same as for an orchestra or singer but you can't do that consistently and charge a client where he doesn't use their music and can't do it where you are paying only a part of the price taken in by the network.

MR. HOSTETLER: I think that was in Mills' mind as the attractive thing to the broadcaster and to me it has been the attractive thing in the "per piece basis" in the way you pay for the music. You can say to a man, "If you want to arrange a program with little music, you pay little. If you want cheap music, you pay a cheap price. If you want exclusive and good—I don't mean 'good'—but if you want music, the price of which is high, you have to pay a high price." And, I believe that is sound.

ISAAC D. LEVY: Since Mr. Hostetler touched on another subject, I want to bring to your attention a statement made by Mr. Bennett. He made this to the whole Copyright Committee. He said that Sol Bornstein made this proposal and that it appears in the minutes of ASCAP that they would charge us as much as 25 per cent of our gross receipts, that ASCAP intended getting as much as they could from the chains but despite all they got from the chains, it would not reduce your cost one penny! And that comes from Mr. Bennett, the Attorney General in charge of the case.

MR. SHEPARD: I am through with questions but while I am up here, I'd like to make one statement.

In the copyright matter, I think there is definitely a division of interest between the two large networks and the other stations because if they paid on all network programs, it would cost the rest of us less money. That is a legitimate and business-like difference of opinion. If you or I or any of us were running the networks, we would be trying to make the best deal with ASCAP and would be damned poor business men if we didn't. But, the majority of us are different and we have to fight for our own interests. I think that is an honest difference of opinion and I don't see anything personally wrong with the actions the chains took in protecting themselves with the one exception they should have resigned from the Copyright Committee before they made an individual deal. (Applause.)

That is not said in the spirit of criticism particularly but I think it was a thoughtless action and do not believe it was done intentionally. (Applause.)

CHAIRMAN KAY: Any further questions or discussion?

KOLIN HAGER (WGY, Schenectady, New York): I would like to ask Mr. Levy a question. I think probably the same thought has occurred to you. You have said that one of the safeguards in this five-year agreement is the fact that the performing rights of the Warners Brothers music would remain with ASCAP.

ISAAC D. LEVY: I can't hear you.

MR. HAGER: You said the performing rights remain with ASCAP. Therefore, they undoubtedly could save safe and harmless the people that have the five-year extension.

ISAAC D. LEVY: They claim that and attorneys they have consulted (in addition to Burkan and Thatcher) agree.

MR. HAGER: That is because they are members of ASCAP. The question is, could not the authors and composers resign under stress?

ISAAC D. LEVY: They could but I don't believe they will. That is one of the dangers and whomever you direct to handle the copyright fight will have to take that into consideration and make reports to the Board on that.

JAMES R. CURTIS (KFRO, Longview, Texas): Will this proposed Duffy copyright bill now in the Senate be a better situation than we have now? Should we pay more attention to that than fighting ASCAP? Or, what is better?

CHAIRMAN KAY: I think your Managing Director can tell you that.

MANAGING DIRECTOR LOUCKS: The main provision in the bill which is of benefit is the elimination of statutory damages. I think you must press for passage of the Duffy bill. I think you must consider that somewhat separate.

MR. EARL: Mr. Kay, I don't know whom to address on this question, probably some member of the Copyright Committee.

In regard to Warner Brothers' catalog being withdrawn, how do we broadcasters fit in with the music in that catalog that was written previous to 1914 when ASCAP was started?

CHAIRMAN KAY: We have two lawyers and the Managing Director.

MR. EARL: The Warner Brothers' catalog has a lot of music written previous to the organization of ASCAP. In snap judgment of opinion, how do we fit in after January 1 when Warner Brothers have withdrawn?

ISAAC D. LEVY: Did you all hear that question? As I told you before, I don't believe you are in quite so good a position as those who signed the contract before they got notice Warner Brothers had withdrawn. Nevertheless, ASCAP takes the position that you don't separate from the membership of ASCAP the performing rights and that the performing rights remain with ASCAP as long as the members remain with ASCAP and I believe, therefore, that ASCAP intends to guarantee you against loss and they have told me definitely they would—that you would be able to sign the contract without paying one penny to Warner Brothers.

HARRY C. BUTCHER (WJSV, Washington, D. C.): I should like to ask Phil Loucks to trace, if he would, in his own fair manner, the position taken by Ed Klauber with respect to the Copyright Committee because I think that will in part answer the statement of John Shepard with respect to good faith in the Copyright Committee. Going back to the first meeting of the Copyright Committee, will you answer that, Phil?

MANAGING DIRECTOR LOUCKS: In the first place, neither Mr. Klauber nor Mr. Ashby were members of our Copyright Committee. They appeared in negotiations and made it perfectly clear at the outset that they were representing their companies.

At the first meeting of our Copyright Committee, if I recall correctly—and I want to be corrected if not correct—Mr. Klauber said on behalf of his company that he would cooperate and go along with the NAB Copyright Committee as long as there could be unison and he could agree. He made no promise that he would go along if, in the process of negotiations, there was a division and he felt it incumbent upon him to take other steps to protect his own company.

Does that answer the question?

MR. BUTCHER: Yes.

HENRY LEE TAYLOR (KABC, San Antonio, Texas): Just one little question. It strikes me that we had an attorney in New York City competent to help with these negotiations and right when the deal was being made, he was allowed to remain in the hotel without consultation. I'd like to have an explanation from Mr. Levy why that was done that way, or McCosker.

CHAIRMAN KAY: Mr. McCosker?

MR. TAYLOR: I suggested Levy first and then McCosker.

ISAAC D. LEVY: I'll bring you back to June 3 and I think if you had listened to what I said about June 3, your question would have been answered.

It is June 3. We met at 5:00 o'clock. It is between 6:00 and 7:00 in the evening. We have four days—Tuesday, Wednesday, Thursday and Friday and then the case starts. We know we are unprepared in the case. We are warned by the Attorney General not to take a contract to pay less. We are presented by ASCAP with a proposal to pay much more. That proposal was phoned and then sent by messenger and I read in that where we are to pay on the available catalog. Being in that position, two things confronted us. Should I have done nothing and listened to Mr. Hostetler? Or, should I have taken the contract when Mr. Bennett said, "You can take it without prejudice to the case." Should I have done nothing and come to you today and said, "We have nothing," when I saw this coming—and what could you do? You couldn't do anything but accept the contract to pay what you are paying now. You couldn't take a contract like mine because mine is better than yours.

MR. TAYLOR: I'd like to know why our attorney was not called in.

ISAAC D. LEVY: I told you and he told you. Mr. Hostetler and I told you that when I had that phone conversation, I came in there and told Hostetler what I was going to do. He didn't want me to do anything. I couldn't drag Hostetler up there. He was opposed to what I was going to do.

FRANK M. RUSSELL (NBC, Washington, D. C.): I want to hear from Mr. McCosker.

MR. McCOSKER: Supplementing Mr. Levy, I think there might be a slight confusion in your minds. "Why was Mr. Hostetler permitted to go?" That is the way you put it.

Now, to begin with, Mr. Hostetler told you that he took a train at three something. It was considerably after that that the information came to me that they were willing to extend it although it had been said the day before that they were going to—it was considerably after that that the information reached me that they had actually done so in the instances of the chains and Mr. Levy.

I am very fair to say that had it been given to me verbally by ASCAP at any hour of the day, all I would have done would have been to communicate it to Mr. Hostetler but not to the body until I had it in writing because I have been through many negotiations at various times where this, that and the other proposal was made, seemingly agreeable to Mr. Mills—and I charge no element of attempt to fool us on the part of Mr. Mills—but the fact is when he went back to his body on several occasions, he didn't get ratification.

That also accounts for the lapse of time and I say that because it may have been omitted in the earlier remarks. It also accounts for the time between when the chains signed and Levy signed, and the time you were notified through the bulletin because I was determined I would not have to take the classification of a very credulous chairman of a Copyright Committee on hearsay. I wanted to be sure the same offer was good in writing to the body. It was June 17—not 3 or 4—but seven days after the beginning of the trial that the letter reached me and promptly was passed along to Phil to be included in the bulletin.

ISAAC D. LEVY: May I conclude that question in this respect? There is something I forgot to say. This is June 4 at 10:00 o'clock in the morning, when we started. We got through at 5:45 in the evening. I knew there was no way to get Hostetler. I rushed to the 'phone and telephoned Bennett. The reason I was able to catch Bennett was because Washington doesn't have Daylight Saving Time. Do you know what he said when I told him? "Congratulations! How the hell did you get it?"

CHAIRMAN KAY: There is one item of business that has to be taken up before this meeting adjourns and that is the report of the Nominating Committee.

ISAAC D. LEVY: Shouldn't there be any action on contract?

CHAIRMAN KAY: There is no motion before the house.

ISAAC D. LEVY: You ought to make up your mind.

CHAIRMAN KAY: Perfectly willing to have further discussion.

DR. GEORGE F. COURIER (WWAE, Hammond, Indiana): Mr. Levy, the question I have is: did you have the information relative to the withdrawal of Warner Brothers in printing?

ISAAC D. LEVY: No, I didn't. I felt they were going to but ASCAP felt they were bluffing. We had no definite information.

I won't say I had a suspicion. I felt there was an even chance. You see, ASCAP was negotiating with Warner all the time and it was a question of how much money and they would stay in. They would only withdraw in the event they couldn't get the money they wanted and ASCAP was assuring us all the time Warner Brothers were going to stay in.

MR. TAYLOR: If I could have had that information, it would have helped me.

ISAAC D. LEVY: I couldn't write that in a letter because it might be enough to make them withdraw, which was something we didn't want.

MR. CAMPBELL: I understand the hotel is holding lunch and so I move a recess until 2:30.

STANLEY HUBBARD (KSTP, St. Paul, Minnesota): I second it.

CHAIRMAN KAY: You have heard the motion. . . .

MR. HUBBARD: May I speak to that motion?

CHAIRMAN KAY: You can't speak to a motion to recess—you have to vote.

JOHN J. GILLIN, JR. (WOW, Omaha, Nebraska): Mr. Chairman, the Nominating Committee is ready to report as directed by the President.

CHAIRMAN KAY: The motion is to recess—not to close the meeting.

MR. MALAND: I move that the motion be laid on the table.

DON DAVIS (WHB, Kansas City, Missouri): I second the motion.

(The motion was put to vote, and was carried.)

CHAIRMAN KAY: We are ready for discussion.

S. A. CISLER (WJTL, Atlanta, Georgia): I'd like to ask Mr. Levy why all the rush to get this signed before the convention, why the zero hour of getting this contract signed?

Now, our two little stations down in Georgia never received any word from ASCAP that there is a five-year contract waiting for us. I know a lot of fellows would like to know why the mad rush! Why not bring the facts up to NAB? The contracts don't expire until December 31!

ISAAC D. LEVY: You are in error there. Our contracts expire sometime in September, not December.

You want to know the hurry? The hurry was this: I was afraid the case was going against us. I thought Mr. Kay would tell you how badly it was going. I knew we couldn't accept a contract to pay less. Why take the chance of paying double or triple? To me, it was an emergency. If you don't see it that way, I'm sorry.

MR. McCOSKER: I'd like to add that if you received the bulletin, you received their notice of extension.

MR. CISLER: I'd like to ask Mr. Hostetler's side of this hurry.

MR. HOSTETLER: I think you can't take what was the case on June 3 or whatever the date was, as of today. Those stations that have contracts with the chains to carry chain broadcasts have, I think, in the contracts that they'll stay licensed by ASCAP.

Personally, I tried to cover it. The only point I tried to cover this morning was that I thought the news of having made the contract ought to go with all the details. That is all the opinion I have. I have no opinion as to what any manager of a station should do.

MR. CISLER: Isn't there any legal step that can be taken while a suit is in progress?

MR. HOSTETLER: I thought you had an extension until December 31 and that was long enough.

ISAAC D. LEVY: You didn't have it in writing.

MR. HOSTETLER: No, but I agree with you a verbal commitment is binding. We asked them to check with the Board and have it verified that the Board did it and upon Mills' statement of that, Loucks sent out in the bulletin the statement that the extension was granted.

ISAAC D. LEVY: I agree with you but why, when they made the proposition when their whole Board was there and we were there, why did we as a Copyright Committee wait for a written proposal? Why didn't we, as I wanted to, transmit a letter to that effect?

MR. HOSTETLER: I didn't understand the Board had approved it. I understood what he sent over at 5:00 o'clock was something written longhand on the train.

ISAAC D. LEVY: I'm talking about May 23. I have your letter which recites they made a five-year extension.

MR. HOSTETLER: I think we all felt we wanted it in writing.

MR. CISLER: Am I to believe from your statements that you saw no particular reason for hurrying this through?

MR. HOSTETLER: At the time that was right.

FRED J. HART (KGMB, Honolulu, T. H.): I have been in radio since 1925 and I have paid my toll to copyright. I have had a great deal of experience in dealing with this kind of body. I sympathize with the committee that had to do the work. I sympathize with the independent stations also.

The motion that we make here today is going to be a very important one. The wording of that motion must be carefully thought out, because the very wording of that motion will detract or add to—may place us in the position of endorsing an action we may not agree on without any restraints. I believe the motion should carry the thought of the body that we are not satisfied with what we are paying and should carry some suggestions that in that contract, for example, it should be a breach of contract to fail to pass on or collect from the advertiser the five per cent.

Because of the importance of this motion, I am going to move that the gentleman from Bellingham, together with Mr. Shepard and somebody whom The Chair shall appoint, shall serve as a committee of three to bring in a motion at an adjourned meeting covering this so that our position may be strengthened rather than weakened. I so move.

MR. STORMS: I second it.

MR. CISLER: Mr. Chairman, I wonder if we may have an explanation.

MR. HART: My only thought in this matter is this: that on the wording of the motion which we make hinges a great deal more than we as individuals believe, that this motion shall be carefully thought out to the end that the wording of it will further strengthen the Government's case, will indicate to the Government and copyright people and the public at large that we are not satisfied with the situation under which we are laboring and that we accept this contract because coerced into it from circumstances!

And, my other thought is the suggestion (and maybe there are other suggestions that should be included in it) that it shall be a breach of contract for any station not to collect from the advertiser the five per cent. Otherwise some of us are penalized.

Now, I believe that only a committee of three can work out. In order to be fair, I have asked that that committee include the gentleman from Bellingham, who has a lot of good sense, Mr. Shepard, who has good judgment, and somebody The Chair will appoint. If I were The Chair, I would appoint Mr. Levy. As I understand it, the people on the platform are supposed to be representive of the people who put copyright over. I don't know but what they should be congratulated, from my experience with copyright.

L. A. WEISS (WJR, Detroit, Michigan): I see no purpose or propriety in that. I see no action that the body of NAB can take affecting the acceptance or rejection between ASCAP and the stations. I don't recognize this as a body problem at all. I don't see what action NAB can take outside of the acceptance of the ASCAP committee report. It is between the stations and ASCAP to be accepted or rejected.

CHAIRMAN KAY: This body can take any action it wants on anything it wants—including belief in Santa Claus!

MR. WEISS: Still on the point of order—I challenge that!

CHAIRMAN KAY: As I understand the motion, the committee is to be composed of the two people named and a third appointed by The Chair and will frame a resolution which I presume is to be presented after recess.

H. K. CARPENTER (Chairman, Resolutions Committee; WHK, Cleveland, Ohio): Question of procedure! Should that not be referred to the Resolutions Committee to be presented by the Resolutions Committee tomorrow morning?

CHAIRMAN KAY: If you say so, I am inclined to think so.

Remember, gentlemen, that your President promised you yesterday that your Nominating Committee would report before adjournment of this session. That won't apply if there is going to be a recess but if there is going to be an adjournment, your President, Mr. Ward, is pledged to have the Nominating Committee report at this session.

MR. JONES: The resolutions that were submitted on motion a little while ago really cover this situation.

And, I would like to ask before any further discussion on this—I would like to ask Mr. Levy if, in spite of the fact the Federal Government is proceeding in court to show that the public interest is being endangered by ASCAP and in spite of the pendency of the Duffy Copyright Bill to take the teeth out of ASCAP's power, if it is your opinion that we should sign a contract for five years and give up the fight.

ISAAC D. LEVY: Absolutely not. I don't say give up the fight. God, I hope there is no one else in the room thought I said that!

MR. JONES: Let me qualify that. Your contract would run for five years and you'd have to pull your punches for that time.

ISAAC D. LEVY: Don't you understand that if you win, it will take five years before you have it in effect? I want it as much as you do if it will cost less but it will take five years. What will you do in the interim? You are not going to play the music unless you pay them.

MR. JONES: You make your position clear. I would like to ask one more question. In the meeting in which it was decided by you and the networks to accept this five-year extension, were there present any but network affiliates or representatives?

CHAIRMAN KAY: Gentlemen, we have before us . . .

MR. JONES: But, Mr. Chairman, may we have an answer to that?

ISAAC D. LEVY: I'll be pleased to answer that or anyone's question.

In the room were the men Mr. Hostetler told you about—I, alone, realizing this emergency existing. The chains weren't even members. When I saw this burdensome proposal that we were going to play only the available catalog which meant if Warner Brothers withdrew, 40 per cent less, when I saw the case coming up four days hence, when I knew the case was not prepared, I alone turned to Mr. Hostetler, and Mr. Hostetler and the representatives of the chains didn't even like what I did. Instead of the chains working with me, they were a little peeved. But, it was for your interest that I believe that we had nothing to lose—we could tear up the contract if we won the case—but I didn't want you to be in that position.

I said, "I don't care what the committee does, I am going to enter into this contract."

CHAIRMAN KAY: Will the gentleman from Honolulu accept Mr. Carpenter's suggestion that his motion be referred to the Resolutions Committee?

MR. HART: With the consent of the second, I accept.

MR. STORMS: I withdraw my second.

WALTER J. DAMM (WTMJ, Milwaukee, Wisconsin): Then I'll second the motion.

MR. HART: My original second did not intend to withdraw, he tells me; he only meant to consent to the change.

CAMPBELL ARNOUX (WTAR, Norfolk, Virginia): I'd like to ask a question we'll all have to face when we get back home.

It seems to me we have just three possible courses. The action of NAB cannot bind us individuals. Therefore, whether you are network or independent or who, when you go back home, you have to do one of three things—sign the contract you gentlemen recommend, bargain collectively or say, "No. Mr. ASCAP, to hell with you".

Now, I'd like to ask Mr. Hostetler what would happen if we said, "No."

MR. HOSTETLER: Each station manager in the light of his contract commitments must decide that question for himself.

MR. ARNOUX: It all boils down to: is it advisable? And then, use your own judgment.

MR. HOSTETLER: I don't see how it can bind you, gentlemen.

MR. HART: May I clarify my motion? I am not claiming the body has the right to bind me but the action this body takes is going to be very important. While this motion will not bind the stations, I believe if wisely worded it will help us in our position and that is the only thing a motion can do—help us or hurt us. It is suggested that a committee of three be appointed to present this to the Resolutions Committee and then back to this body.

MR. GEDGE: I'd like to offer an amendment to that motion.

Inasmuch as Mr. Hostetler has been sitting very close in the councils of these proceedings and knows from the legal phases what effect such a resolution would have on this case, I'd like to have him included as one of the members of that committee to draw up that resolution.

MR. HOSTETLER: I would be perfectly willing to advise.

MR. GILLIN: I second that amendment.

MR. HART: It is acceptable.

(The question was called for. The motion was put to vote, and was carried.)

MR. BUTCHER: Mr. Kay, I'd like to make one statement that I think is very important.

Down in Washington, I frequently happen to see Senator Duffy, who introduced the copyright bill. Last Sunday we were playing golf together. He said, "Butcher, for Lord's sake get your broadcasters active behind this bill or we'll never get it through the Senate."

That bill has in it the elimination of the big club that ASCAP has always had over all of our heads. It is the club that has driven us all, at times, to desperation. That is the $250 minimum damage clause. That bill can be put through the Senate this session and the House next session if this group of broadcasters will go to bat with their Senators. And, I hope this convention—every individual in it—will today wire your own Senator and your Congressman and anyone else who can help and get that bill through the Senate. The Senate is going to have some time while waiting for the tax report from the Finance Committee to consider some of these things. The bill is on the Senate calendar. It was brought up but was blocked by statements of Copeland and Wagner at the request of Gene Buck. The bill is there. You have to get the heat turned on and it is up to you fellows to do it.

MANAGING DIRECTOR LOUCKS: Mr. Chairman, in sending these wires, I suggest that you urge that the bill be brought up for consideration immediately and that it be passed without amendment—the Duffy Copyright Bill.

MR. CURTIS: May I ask a question? When we were asked to wire our Senators, how many wired? I'd like to see a show of hands. I, for one, wired my Senator.

(One-fourth of the men raised their hands.)

MR. CHURCH: Mr. Chairman, I have listened to all of these copyright discussions and believe I understand most of what has happened.

In making my decision from now on, it seems to me that there is one real important thing that I must know and I would like to ask Mr. Hostetler or Mr. Levy this question. I have a contract with the network that requires me to have the necessary copyright arrangements to broadcast any music. It seems to me that the action as taken by the networks binds us automatically for five years to the new ASCAP arrangement. Is that correct?

MR. HOSTETLER: Personally, all I can say is if I had a contract of the kind I have seen, I think I'd take the contract.

Now, when he asks whether it binds him if he didn't get a contract from ASCAP, it is a question of whether it is a breach of contract in which he agreed. The only way to determine that is by lawsuit.

MR. CHURCH: The point I want is do I and the rest who have contracts, have any choice unless we have a lawsuit with the networks or ASCAP?

MR. HOSTETLER: I don't believe so.

ISAAC D. LEVY: Would you like me to answer, too? Since you are paying X dollars now to ASCAP and since the Government says you can't pay less than X dollars, how have you been harmed if you pay X dollars and continue to pay X dollars?

MR. CHURCH: That isn't the point. The point is: do we as stations have any choice?

ISAAC D. LEVY: In a legal manner or business manner?

MR. CHURCH: Both. In other words, has the action of the networks and yourself almost automatically bound us to the five-year contract with ASCAP?

ISAAC D. LEVY: Yes—but pleasantly so.

MR. CHURCH: I am not questioning that. The point is: do we have a choice in the matter?

ISAAC D. LEVY: I don't believe you do.

JAMES W. CLARK (WGST, Atlanta, Georgia): Gentlemen, it looks like we are getting nowhere fast! The networks have their bed laid. What about our independent stations—are we to scratch for ourselves or what?

I think some suggestions ought to come from here to guide the little fellow. I called on Mr. Kay for his advice. He said he had not signed and that this thing would be thrashed out here.

H. L. LOHNES (Washington, D. C.): In answer to the last question, I think it might be pertinent to ask Mr. Levy and some of the other gentlemen on the platform for a more detailed explanation of several statements which have been made, namely that the Government entered this case unprepared. Now, whose fault was that? I am sure that Mr. Levy or Mr. Hostetler would never go into a case unprepared. If there is a suitable explanation to that, I think it might help us in reaching our independent conclusions.

CHAIRMAN KAY: I think Mr. Levy will be glad to help.

ISAAC D. LEVY: We had nothing to do with the preparation.

I went to Washington several times; stayed up until 3:00 o'clock going over what I was going to testify. I took hours and hours preparing data and probably would have been one of the most important witnesses.

Mr. Bennett in six months collected all the information he could. It took Mr. Hostetler two years to get it. Mr. Bennett was very anxious to get to trial and just misjudged the time he would be ready. He is an able lawyer. He had almost a carload of data but it just hadn't been prepared in the form necessary for orderly presentation. Now, my God, that is one thing you're not going to blame me for!

MR. DAMM: I would like to make a statement. I was one of the witnesses. I worked with them two years. I prepared data that cost my company several thousand dollars. When I got to Washington and put my musical director on the stand, Mr. Nathan Burkan issued a subpoena for everything in the Milwaukee Journal Building except the building. It included every single musical composition in my library!

ISAAC D. LEVY: While you are here, will you tell the membership about querying 36 newspaper stations and that you had replies from 35 saying they had approved the extension?

MR. DAMM: I made the statement that I had contacted all 36 stations and that I had favorable replies from the majority. It doesn't turn out to be 35. About three of them were not favorably inclined.

(Announcements.)

MR. GEDGE: There is a lot of doubt in the minds of many of the boys as to the exact course to pursue in this matter. In order to clarify the situation which is in the minds of some of these fellows and which has been expressed to me, I would like to put this question to Mr. Hostetler. We appear to be between the devil and the deep blue sea. If we sign this contract, we jeopardize our case in court. If we do not sign this contract, we are subject to all kinds of suits.

Now, if we as independent stations renew this contract for five years under protest, is that going to damage the Government's suit greatly?

MR. HOSTETLER: I am not going to discuss the Government's suit. I think the Government's suit has been discussed entirely too much.

I think each man is entitled to do what he wants to do from the standpoint of his own business. Now, I can't advise 300 men. I just don't know! Nobody else can. He has to decide for himself and I think it ought to be decided as a business question in relation to his station.

I did say if I had a contract with a chain, I would sign the extension. That depends on contracts I have seen. But, I don't know the situation with regard to independent stations and I don't know how anybody except somebody who knows your situation can advise you.

(Announcements.)

MR. HOSTETLER: I want to get out of here this afternoon and on this motion about what should be done in this meeting about this contract, I have a feeling and I said I would pass it on to the Resolutions Committee; it is entirely in accord with what you suggested. I personally think that this Association cannot pass a blanket resolution as to what individual broadcasters ought to do. I just don't see how they can do it any more than I can say what each individual should do.

MR. MYERS: Fellow members, there is one question before this house that is bigger than ASCAP. You may not believe that but I think if you give a moment's thought, you'll believe that.

Now, this meeting is filled with hostility and distrust. Tomorrow you are going to have a chance to vote on your Board of Directors and officers. For heaven's sake, put officers and directors in this Association you trust and then when they spend a year in working and doing the best they can for you, don't come in trying to tear the Association apart but in a spirit of helpfulness. I want you to take this to lunch with you and think it over before tomorrow morning and then come back and do something constructive.

Now, I was a member of this Board of Directors that met in New York on June 22 and I was one that went in there with my bulletproof vest prepared to fight and I was distrustful of the networks and Ike Levy and everybody else but before we went out of that meeting, we voted unanimously without a dissenting voice on that resolution which you have heard.

If you think your officers are dishonest, kick them out as fast as you can but if you don't put somebody in there you can trust and ride along with—your Association is going to the dogs? That is all I have to say. (Applause.)

CHAIRMAN KAY: I yield to the President.

PRESIDENT WARD: Before the Nominating Committee makes its report, I have one statement to make about the Nominating Committee.

Yesterday when I appointed the Nominating Committee, I purposely appointed a large committee because I wanted to get, as nearly as I possibly could, every interest and so-called faction represented on this committee. I appointed a committee of eleven men, having in mind at the time that our By-Laws and Constitution stated that the Nominating Committee must be composed of not less than five men.

After the committee met in their room, I was given a call to come to the committee room and there read the Constitution and By-Laws in which it stated that a Committee Of Five be appointed —not "not less than five".

It was suggested by some one on the committee that this committee be disbanded and a new Committee Of Five appointed in its place. I still wanted to, if possible, maintain that committee of eleven functioning in some capacity so as to get a true cross-section of the interest of this entire body.

It was, therefore, unanimously agreed by the entire Committee Of Eleven that they would function first as an Advisory Committee and that they would make a complete slate and that after they made that slate in an advisory capacity, I would appoint five men in accordance with the Constitution and By-Laws, five men from this Committee Of Eleven, who were pledged in advance to report the findings of the Committee Of Eleven. In that way, the committee report brought in by the Committee Of Five represents the findings of the broad Committee Of Eleven.

I, therefore, appointed as the Committee Of Five from this Committee Of Eleven:

John J. Gillin, Jr., *Chairman*
L. B. Wilson
Arthur B. Church
M. R. Runyon
William S. Hedges.

You will now hear the report of the Nominating Committee.

MR. GILLIN: Mr. President, ladies and gentlemen: this Nominating Committee job is a thankless job, especially its chairmanship, and I want to tell you about something that happened this morning, if you think we had an easy time on this.

At four o'clock this morning a gentleman strolled into my room. "They're out to get you."

"Who are 'they'?"

"They're out to get you!"

And, I said, "Well, if they do, I still think I'm right!"

This is the Nominating Committee report of the Thirteenth Annual Convention of the National Association of Broadcasters.

The President of the Association nominated eleven men to the Nominating Committee of this Convention. From these eleven men, after all deliberations had been concluded and after the nominees had been selected by this Committee Of Eleven men, your President designated five as the official committee to make this report.

The committee gave consideration to all of those who, in the judgment of the committee, were candidates for one post or another. In our deliberations we considered the qualifications of all candidates, their records in radio and Association work, and we likewise gave consideration to proper representation of all classes of stations and all zones.

The group found it possible to agree upon nominees for the office of President, First Vice President, Second Vice President and Treasurer. The selection of the candidate for President left an additional vacancy on the Board to be filled at this meeting. Therefore, if the candidate for President selected by this committee is chosen, you must elect one director for an unexpired term of two years and five for the regular period of three years.

We have chosen a list of ten nominees to fill these six vacancies. The Nominating Committee recommends to the convention that the first five candidates for directors to receive a majority of the votes serve for the three-year term, and that of the remaining candidates on a subsequent vote the one receiving the highest vote shall serve the two-year term.

The Nominating Committee is pleased to announce as their candidate for the office of President of the National Association of Broadcasters, Mr. Leo J. Fitzpatrick of WJR, Detroit, Michigan. Mr. Fitzpatrick is well known to all of you. He is one of the real pioneers in broadcasting. He is one of the principal proprietors of Station WJR in Detroit and Station WGAR in Cleveland, a regional station. For a number of years he has been actively engaged in the management of both stations. He has been one of the NAB's best boosters and supporters during his entire term of membership. He has been a member of the Board. He has been a Vice President and he has been active on many important committees.

For the office of First Vice President, the committee nominates Gardner Cowles, Jr., of Des Moines. Mr. Cowles is one of the owners of the Iowa Broadcasting Company, which owns and operates Stations KSO, WMT and KRNT, and also one of the owners of the Des Moines *Register Tribune*. He was a member of the Board of the National Association of Broadcasters for one term and rendered valuable service.

For the office of second Vice President, Mr. Edward A. Allen of Lynchburg, Virginia. Mr. Allen is President of Station WLVA, Lynchburg, Virginia, and is one of the outstanding leaders in the activities of local stations. He has served on several important committees during the past year.

For the office of Treasurer, John Shepard, 3rd. Mr. Shepard is President of the Yankee Network and is a former Vice President and director of the Association. During the life of our Code, he served as Chairman of the Code Authority. He has always been active in the NAB.

For directors the Nominating Committee has selected the following, from which you will select six, five for the three-year term and one for the two-year unexpired term:

J. Truman Ward, WLAC, Nashville, Tennessee, who has served as your President during the past year and who has declined to run for reelection.

Charles W. Myers, KOIN and KALE, Portland Oregon. Mr. Myers has served as Vice President of the Association and has been a member of your Commercial Committee.

Steve Cisler, WJTL, Atlanta, Georgia. Mr. Cisler is one of the outstanding representatives among our local station membership.

Joseph O. Maland, Vice President of WHO, Des Moines, Iowa. Mr. Maland has always been active in the work of important committees of the Association.

Thomas W. Symons of KFPY, Spokane, Washington. He is the owner and operator of Station KFPY and is one of the leaders in radio activities in the northwest.

Edwin W. Craig of Nashville, Tennessee. Mr. Craig is Executive Vice President of the National Life and Accident Company, which owns and operates Station WSM in Nashville.

Lester Cox, Springfield, Missouri. Mr. Cox is proprietor of five stations. He is one of the progressive broadcasters of the middle west.

Ralph Brunton of San Francisco, California. He is the owner of

Station KJBS and has been active in organization work in his region.

John Elmer of Baltimore, Maryland. Mr. Elmer was a member representing the small stations on the Code Authority. He is President of WCBM.

Edward K. Cargill of Macon, Georgia. He is the owner of Station WMAZ. He has been active in organization work in the south.

Your Nominating Committee respectfully submits the report.

PRESIDENT WARD: Is there a motion that this report be accepted?

MR. MYERS: Mr. President, there are more directors on your ticket than can be elected and there are two men on the ticket from the northwest. I would, therefore, like to withdraw my name in favor of Tom Symons.

MR. CAMPBELL: I move that we not accept Chuck Myers' withdrawal.

MR. HUBBARD: I second that motion.

(The motion was put to vote, and was carried.)

PRESIDENT WARD: Is there a motion for the acceptance of the Nominating Committee's report?

S. H. BLISS (WCLO, Janesville, Wisconsin): I move that we accept the report of the Nominating Committee.

MR. WEISS: I second it.

(The motion was put to vote, and was carried.)

PRESIDENT WARD: Now, are there any further nominations to come before the house at this time?

Our By-Laws and Constitution state that anybody can be nominated from the floor by a petition signed by ten members of the Association. I believe Mr. McCosker wants to say something and before he makes his nomination, I would like to state if you have a petition on some one whose name you would like to be placed tomorrow at the election, see to it that it gets to the Election Committee, which is headed by Dean Fitzer, tomorrow morning at 9:00 o'clock.

No petition will be accepted by Mr. Fitzer of the Election Committee after 9:00 o'clock.

MR. McCOSKER: Mr. President, if I felt that I had anything to sell, I wouldn't choose a body of men carrying around empty stomachs to sell it to because it is a well established precept that people with empty stomachs are not usually receptive so you may, therefore, judge with what assurance and with what sincerity and with what emphasis I wish to place in nomination for the office of Treasurer of the NAB the name of Isaac D. Levy of Philadelphia.

Now, when I say that I wish to place in nomination the name of Isaac D. Levy, that is the literal thing to do but I am placing in nomination the name of Mr. Levy not merely as your Treasurer because if I had that merely to do, I am very candid to say that I would do it with some misgivings because of the fact that John Shepard has been nominated by the Nominating Committee and John Shepard is a friend of mine and John Shepard is a practical, common sense broadcaster and John Shepard apparently has appealed in those capacities to the gentlemen who have, unquestionably with thought and justice, placed his name in nomination. So therefore, I wish to distinguish between merely the nomination of Mr. Levy in the literal sense and the nomination of Mr. Levy in what we all know to be the controlling factors that cause me to put his name in nomination.

Mr. Levy crystallizes, because he has been probably the most militant, that action which your Copyright Committee has taken in these negotiations over a very trying period. He crystallizes, as I say, whether or not this body has been adequately represented, militantly represented, honestly represented, intelligently represented. That is the question, I say, that you are voting on when you vote for Mr. Levy for this office.

You would be surprised to know the various suggestions that have come to me and I presume others concerning how this matter might be taken care of. Because, after the get-together had served probably one of its main purposes—an exhaust valve for gentlemen who don't understand and gentlemen who do not want to understand—we got back to first principles and became honest in our conclusions. At least several have. And, that led them to bring me the suggestion and bring to others the suggestions that lest there be anything in the form of a race between Mr. Shepard and Mr. Levy, this, that and the other candidate would gladly withdraw from one of the vice presidency nominations—because it is no secret to know that the men nominated had heard of it before John announced it today. I have in mind, for instance, Mr. Cowles who told me that he would be very happy to withdraw as a vice presidential nominee, move Mr. Shepard up there and let us really vote for Levy as Treasurer and all that that implies.

So, I have been encouraged by this and other offers to believe that in putting the name of Ike Levy in nomination, that I was not merely placing a man before you to be voted upon for an office, however important, but that I was placing before you the name of a man who, due to lack of understanding on the part of many members and I should say willfulness, in my opinion on the part of others, was being either vindicated or rebuffed and I allege that with his vindication—and I say this not merely to assist him to election, but I say it because I believe it—and I am sure of it that with his vindication is entailed the vindication of the men from the body that have striven to do something for this organization off the payroll, in season and out, for many months. I don't believe it is an unfair implication. I weighed it carefully. I believe it. If I didn't believe it, I wouldn't put this collateral idea before your mind.

Now, there has been a lot of oratory here today, a lot of factual recital, some comedy, considerable logic—and there is only one other note that comes to my mind readily in the gamut, leaving sentimentality aside, that hasn't been struck here and I hope it will not be struck when this ballot is counted. That other note is tragedy. I believe it would be a tragedy for NAB if Mr. Levy and, by inductance, those who worked with him, are not vindicated by his election to the treasurership of this organization.

And, lest I be misunderstood in my earlier comment, I have one final word and that is that I regret exceedingly that Mr. John Shepard, with whom I worked throughout the code days, should have to be on the other side of this seesaw. He doesn't deserve it! But, neither does Mr. Levy deserve to be rebuffed. I hope he won't have it happen to him—and I place his name in nomination as Treasurer of the NAB. (Applause.)

J. THOMAS LYONS (WCAO, Baltimore, Maryland): I am not going to make a speech, gentlemen, because it has been my experience that very often the men who sit in the chairs and never make a speech, know a great deal more about the question than many of the so-called orators but I feel that I do owe you something.

I have been a member of your Board for three years. I go out today. I have never missed a meeting and the Board has never been a joyride for me and neither have these conventions. I take them seriously and the reason is because I have considerable of my own money tied up in my station down in Baltimore and the balance of that money, most of it was put in by friends who knew nothing about radio but something about me and if anything would happen to that money, I would feel personally responsible for the 100 per cent, almost of the money invested there.

Now, I am not identified with clique or group. I never go into any room in this hotel to discuss politics but I am here because I want to see my station prosper, I want to know what is going on and I realize that my station can't prosper unless your stations prosper and when your station is down, you carry my station with it. That is why I have been interested in coming to the meetings and serving on the Board.

Now, I'll give you my word, gentlemen (and my word means something in Baltimore; it may not mean anything here), during the three years I have served on your Board there has never been a question come up that did not include the welfare of hundred or thousand watters or the big fellow, it was always a general discussion for all broadcasting stations and they have been fair and they have been honest.

Now, sometime in June when I got a wire from Loucks telling me that the chains and Levy had signed a contract, I felt that we had been sold out, I felt that Ike Levy who had been a general leading the army, had walked out. I went up to attend the Board meeting at the St. Regis with blood in my eye. I wanted to fight. It wasn't a square deal, so I thought. But, after sitting in the St. Regis all day until 6:30 at night when my train left, and hearing the facts, I said, "Ike Levy, I have done you a great injustice by even thinking you were dishonest." I want to apologize publicly for even thinking that because you have done the greatest thing for radio that could be done and furthermore, gentlemen, this ASCAP question is a vital problem. You can't make these meetings a joyride and then think you can get proper work done. It is serious. And, I said to myself, "I would rather have Ike Levy represent my station so far as ASCAP is concerned than anybody else, and that is after an experience of several years, learning about his knowledge of ASCAP and broadcasting."

And so I say to you, I am interested in radio but the success of radio in the future depends on the collective intelligence of this organization and if we come here as friends and listen to little factions and build up faction fights and go out and spread that, then God knows we should never have any convention—we'd be better off without it.

We have to look for facts. We mustn't look for majority. We must look for the truth and when we get the truth, go ahead and until we stick to that sort of basis, we are never going ahead.

Now, listen again and I am through. If you were to go to a hospital for a serious operation, wouldn't you find the most capable doctor in America to perform that operation? You know you would. So with the radio industry facing ASCAP—we need the most capable man that America can produce and I give you my word as a fellow broadcaster, as a sincere friend, after being on the inside for three years, that I honestly believe Ike Levy is the most capable man in America to handle ASCAP. He can take and handle it for my station and I tell you, you men will make no mistake if you follow Ike to victory!

MR. JONES: I take it Mr. Lyons has seconded the nomination of Mr. Levy and I would like also to second that nomination with this very brief statement. We are not here to criticize or condemn. I say "we" meaning those men who believe we have come here to rescue the birthright of the radio industry. And, in seconding Mr. Levy's nomination, I ask those who believe as I believe that you be not deceived by the red herring that is being drawn across your path by clever political manipulators who would put Mr. Levy's good name in the balance to distract your mind from the fundamental of who is best qualified to protect your rights as broadcasters and defend your right to serve the public interest.

Therefore, I second Mr. Levy's nomination in order that we insurgents, if you please, may not be construed as taking part in any insult to Mr. Levy or his friends. (Applause.)

MR. HAGER: Inasmuch as there seems to be some stigma cast on Mr. Levy rather than a question of his opinion as against somebody else's opinion, I think it would be very fitting, in view of the great service rendered, that a vote of confidence be given to him now and not wait until tomorrow for any decision on that point and I so move that it is the sense of this meeting that we have a vote of confidence in Mr. Levy.

MR. DAVIS: I second it.

PRESIDENT WARD: The motion has been made that we have a rising vote of confidence—and I say "rising" because we will then be on our feet and ready to adjourn—to be given to Mr. Levy at this time. Will you please stand?

(Rising vote of confidence to Mr. Levy.) (Applause.)

PRESIDENT WARD: A motion is now in order to adjourn.

MR. HUBBARD: I so move.

MR. HOLLISTER: I second it.

(The meeting adjourned at 2:20 o'clock.)

JULY 10, 1935

Wednesday Morning

The session convened at 10:00 o'clock, President Ward presiding.

PRESIDENT WARD: Gentlemen, I again find myself in the position of having to apologize to you for the very late hour at which we are starting our meeting but it seems unavoidable due to the very large number the dining room has to serve, also the fact that the Resolutions, Credentials and Election Committees have had a very big job to do.

Mr. Carpenter reports that he is now ready to proceed with the resolutions and I now turn the chair over to him as chairman of that committee to take charge of the resolutions.

(Mr. Carpenter took the chair.)

CHAIRMAN CARPENTER: Ladies and gentlemen, the Resolutions Committee composed of Kay, Cowles, Gedge, Damm, Butcher, Allen and myself, have the following resolutions to present. You have copies of most of them in your hands. They are numbered from one to twenty-five. Twenty-four and twenty-five are now being mimeographed and will be in the hallway or possibly can be distributed on the floor very shortly. But, in order to get the meeting under way, we decided to start before twenty-four and twenty-five are actually out.

With your permission and unless there are some objections, I shall read each resolution, move its adoption on behalf of the committee, ask for a second and put each resolution to a vote. Possibly in that way we can get through with them in rapid succession. Are there any objections to that plan of procedure?

"Resolution No. 1.

"Resolved, That the National Association of Broadcasters sincerely thanks the Hon. Anning S. Prall, Chairman of the Federal Communications Commission, for the information, common sense and usefulness of his message delivered at its Thirteenth Annual Convention, and that the membership believes that his message will serve as a potent aid in assisting the licensees of American broadcasting stations to cooperate with the Federal Communications Commission."

On behalf of the Committee, I move its adoption.

MR. CURTIS: I second the motion.

(The question was called for. The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Here is the next one:

"Resolution No. 2.

"Resolved, That the National Association of Broadcasters hereby expresses its sincere thanks to Mr. Andrew W. Cruse for his contribution to the interest and value of the Thirteenth Annual Convention of this Association."

I move its adoption.

MR. WILLIAMSON: I second it.

CHAIRMAN CARPENTER: Any remarks?

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Now, the third resolution:

"Resolution No. 3.

"Resolved, That the National Association of Broadcasters hereby expresses its keen appreciation to Mr. Edwin M. Spence and his Convention Committee for their many courtesies and the very efficient manner in which they have handled the arrangements incidental to the Thirteenth Annual Convention of this Association."

I move its adoption.

MR. BUTCHER: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Here is the next:

"Resolution No. 4.

"Resolved, That the National Association of Broadcasters hereby extends its hearty thanks to Gene O'Fallon, Chairman, F. W. Myer, G. E. Nelson, W. D. Pyle, Lou Keplinger and Mrs. Gene O'Fallon of the Local Convention Committee for their admirable services in making the Thirteenth Annual Convention of the National Association of Broadcasters an outstanding success."

I move its adoption.

KARL O. WYLER (KTSM, El Paso, Texas): I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: The fifth resolution:

"Resolution No. 5

"Resolved, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Broadmoor Hotel for their splendid services in making the Thirteenth Annual Convention of this Association an outstanding success; also to the management of the Hotel Antlers and other hotels for their courtesies in accommodating so many of our guests."

I move its adoption.

MR. BUTCHER: I second the motion.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Now we are getting down into some of these that possibly we may want to go a little more slowly with.

"Resolution No. 6

"Resolved, That the official acts of the Managing Director since the Twelfth Annual Convention be and the same are hereby approved."

That is the formal resolution, the same as in the past. I move its adoption.

THOMAS W. SYMONS (KFPY, Spokane, Washington): I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Is Phil here?

(Managing Directors Loucks was absent.)

CHAIRMAN CARPENTER: This is completely wasted then! (Laughter.)

"Resolution No. 7

"WHEREAS, Philip G. Loucks has served faithfully and with distinction as Managing Director of the National Association of Broadcasters for the past five years, and

"WHEREAS, mainly by reason of his untiring efforts, sane and courageous leadership, the Association has grown from small beginnings into an organization representative of every phase of the industry and exerting a vital influence in the development of this new medium of mass communication to a position of recognized importance, both socially and economically, and

"WHEREAS, Mr. Loucks has seen fit to leave the Association in favor of the practice of law, the field which has always constituted his principal interest, it is now

"Resolved, That this convention, by a rising vote, express its deepest appreciation for the unremitting service which Mr. Loucks has rendered the Association and broadcasting as a whole, and that it extend to him the heartiest good wishes of the membership and industry for his every success in his new venture." (Applause.)

May I ask for a rising vote on that?

(Rising vote.)

CHAIRMAN CARPENTER: Now, I think possibly it is not necessary to read this entire resolution although many of you will merely follow and you will realize that the sense of the resolution which was sent to you several weeks ago is in the form of an amendment to the Constitution and By-Laws creating an active and associate membership.

"Resolution No. 8

"*Resolved,* That the National Association of Broadcasters hereby approves and adopts the amendments to the Constitution and By-Laws of said Association which were duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said Constitution and By-Laws, said amendments being as follows:

"1. Article III, Section (a)
Strike out all of the section and insert the following in lieu:
'(a) The membership of this Association shall consist of—
(1) Any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station, to be known as an ACTIVE MEMBER.
(2) Any person, firm or corporation associated with radio broadcasting, to be known as an ASSOCIATE MEMBER.'"

Now, numbers 2, 3, 4 and 5 merely insert the word "active" at the proper places in order to make the entire part of the Constitution and By-Laws coincide.

"6. By-Law 1, Section (b)
Strike out all of the section and insert the following in lieu:
'(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance.'"

Numbers 7, 8, 9 and 10 merely insert the word "active".

Your committee moves the adoption of this resolution.

The complete resolution:

"Resolution No. 8

"*Resolved,* That the National Association of Broadcasters hereby approves and adopts the amendments to the Constitution and By-Laws of said Association which were duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said Constitution and By-Laws, said amendments being as follows:

"1. Article III, Section (a)
Strike out all of the section and insert the following in lieu:
'(a) The membership of this Association shall consist of—
(1) Any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station, to be known as an ACTIVE MEMBER.
(2) Any person, firm or corporation associated with radio broadcasting, to be known as an ASSOCIATE MEMBER.

"2. Article V, Section (b)
Line 2—Insert after the word 'the' and before the word 'members' the word 'active'.

"3. Article V, Section (c)
Line 1—Insert after the word 'the' and before the word 'members' the word 'active'.

"4. Article VII
Line 2—Insert after the word 'five' and before the word 'members' the word 'active'.
Line 3—Insert after the word 'the' and before the word 'membership' the word 'active'.
Line 6—Insert after the word 'ten' and before the word 'members' the word 'active'.

"5. By-Law 1, Section (a)
Line 1—Insert after the word 'dues' and before the word 'shall' the words 'of active members'.

"6. By-Law 1, Section (b)
Strike out all of the section and insert the following in lieu:
'(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance.'

"7. By-Law 3, Section (b)
Line 3—Insert after the word 'the' and before the word members the word 'active'.

"8. By-Law 4, Section (a)
Line 2—Insert after the word 'to' and before the word 'membership' the word 'active'.

"9. By-Law 4, Section (b)
Insert after the word 'Each' and before the word 'member' the word 'active'.

"10. By-Law 5, Section (a)
Line 2—Insert after the word 'the' and before the word 'membership' the word 'active'.
Line 5—Insert after the word 'the' and before the word 'members' the word 'active'."

MR. BUTCHER: I second it.

CHAIRMAN CARPENTER: We are now ready for remarks.

E. B. CRANEY (KGIR, Butte, Montana): I have an amendment to make to the amendment to the Constitution that I think can be made from the floor. I have talked to a number of members on the floor and they feel the amendments are necessary and the amendments to the amendment will make the Association far more representative of the industry.

Originally the plan in the NAB was to elect our directors by zones, that is, we had five radio zones and we elected directors, three from each of these zones, who went to the directors' meetings and took to those meetings the ideas of the people in those respective zones. Recently we have gotten away from that and we come to these conventions and elect members from other zones and possibly we vote for people we know very little about.

The amendment that I have will make it necessary for three members to be elected from each radio zone. Then when those members go to a board meeting, they will come back to your zone and tell you what happened and if you don't like them, why, you get rid of them.

The proposition is that zones will elect the members from those respective zones. In other words, we won't come to a National Association meeting and vote for somebody we don't know anything about. Members of zones will vote for directors. For instance, the newspaper organization, I understand, have regional, state and national meetings. I think we will have a closer organization of broadcasters.

The amendment I have is in Article VI, Section (d): "Add to the proposed amendment number 3 to the Constitution, the following repeal of Section (d) of said constitution,"—pardon me, that is the wrong one.

CHAIRMAN CARPENTER: Mr. Craney, until we have that, may we do this: I am not sure at all that you are not out of order on this thing because your amendment apparently refers to something that was not contemplated in this resolution or proposed amendment to the Constitution and By-Laws. May I suggest that we table number eight for a few minutes until we may have an opinion on that.

MR. CRANEY: I have the article here and would like to read it. You can't go to jail for making an amendment and I would like to get this over.

"Article V, Section (c)

"Add to the proposed amendment to Article V of the Constitution, published as amendment number three, the following provision in the place and stead of the present provisions therein contained, to be inserted after the word 'members' in line one, Section (c): 'of each radio zone shall elect from their active members three directors, one of whom shall be a member representing a local station. After the adoption of this amendment all elections of directors shall be held in accordance herewith.'"

Mr. Chairman, I have several amendments and I think you should take a vote on each amendment rather than as a group.

CHAIRMAN CARPENTER: Mr. Craney, there are definite provisions outlined in the Constitution and By-Laws for making amendments to the Constitution and By-Laws:

The Board of Directors was particular to see that notice went to all members as outlined in the Constitution and By-Laws. Now, it would seem, therefore, that while the amendments which are being proposed may be wise, that if we are not going to stand by our Constitution as it is written, we might as well throw it out. That, however, is the personal opinion of myself as occupying the chair at the moment so, therefore, unless there is a demand from the floor, I would simply table resolution number eight with all the amendments until we can get an official opinion.

MR. CRANEY: Mr. Chairman, I still have the floor. Article IX of the Constitution. . . .

CHAIRMAN CARPENTER: Sorry! You're out of order. We will withhold any action on number eight for the time being.

MR. JONES: Mr. Chairman, I appeal from the ruling of The Chair and ask for a vote of the house. These proposed amendments of the Constitution are part and parcel of the ambition of the local stations here assembled and we very much wish to see the sentiment of this convention. There are no more loyal members of NAB than the local stations and we feel that it is altogether fitting and proper that our ambitions and the ambitions of other and larger stations be given a chance for expression in the permanent operation of the Association and, therefore, I move that this question not be delayed in order that it may possibly be run over by what might be called a steam roller.

JAMES F. HOPKINS (WJBK, Detroit, Michigan): I second the motion.

CHAIRMAN CARPENTER: It has been regularly moved and seconded that the proposed amendments other than resolution eight be considered for the moment, overriding the ruling of The Chair.

WILLIAM B. WAY (KVOO, Tulsa, Oklahoma): Can you do that under our Constitution? You are chairman of the Resolutions Committee; don't you know the procedure of changing the Constitution?

CHAIRMAN CARPENTER: May I say this: I am not indicating by the ruling which I made that I disagree in any way whatsoever with these amendments.

In the second place, I would not want to be party to anything that even smacked of steam rolling. I don't like it. I think everybody should be given a chance to say what he believes.

I believe The Chair is perfectly within its rights in holding this discussion until a little later. However, if it is contrary to the will of those present, I do not wish to impose my wishes on all you men. Therefore, I am perfectly willing to see what you want done about this.

MR. WAY: Mr. Chairman, I may be heartily in favor of the man's resolutions but after all, you have to have a rule. Can we do this thing? You may desire it from the bottom of your heart but can we do it according to our Constitution and By-Laws?

MR. WEISS: Will The Chair recognize me?

CHAIRMAN CARPENTER: Yes.

MR. WEISS: I think in fairness to you, Mr. Craney, and the stations you are speaking for, you are doing yourself an unfairness by forcing the issue.

May I suggest that you have the amendments multigraphed and the hearing postponed until a little later. I am entirely too much in sympathy with your amendment to have it defeated on the technicality which you are laying it open to.

MR. CRANEY: It is perfectly satisfactory to me to postpone it. I don't believe it is necessary to have it multigraphed. I think we can explain what it is all about—in very few words, too. That is perfectly satisfactory with me.

CHAIRMAN CARPENTER: And may I say there is no objection on the part of The Chair and make this public statement that there is no disposition to postpone this and postpone it until it falls over at the tail end.

MR. JONES: With that explanation, I withdraw my motion.

MR. HOPKINS: I consent.

CHAIRMAN CARPENTER: We will then proceed with the next resolution:

"Resolution No. 9.

"Resolved, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the Fourth Meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR."

That is proposed by the Engineering Section. I move its adoption.

BIRT F. FISHER (KOMO, Seattle, Washington): Second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: The next:

"Resolution No. 10.

"Resolved, That the President be and he hereby is authorized and directed to appoint a Committee Of Three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States' position and proposals to the next administrative International Conference scheduled to be held in Cairo early in 1938; and that the Committee be and they are hereby directed to make recommendations to the Board of Directors so that the same may be available for consideration at the 1936 convention."

May I say that I have already had ten applications for jobs as representatives of the Association at that meeting. (Laughter.)

That resolution is proposed by the Engineering Section; recommended by the Resolutions Committee. Is there a second?

MR. CURTIS: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Next we have:

"Resolution No. 11

"*Resolved,* That the action of the Managing Director in authorizing the Technical Director of the Association to cooperate actively with the FCC and the stations contributing to the conduct of the Secondary Coverage Survey be and the same is hereby approved; and that the Managing Director be and he is hereby authorized to continue such participation particularly during forthcoming conferences at which the results of the survey are to be considered."

Proposed by the Engineering Committee. Recommended by the Resolutions Committee.

MR. WYLER: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: We now have:

"Resolution No. 12.

"Resolved, That the opinion reached by the Engineering Committee with reference to the Federal Communications Commissions' proposed fidelity standards be communicated to the Chairman of the Federal Communications Commission for his information and that of the Engineering Department of the Commission."

Proposed by the Engineering Section and recommended by the Resolutions Committee. Is there a second?

MR. WILLIAMSON: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Next:

"Resolution No. 13

"Resolved, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services."

The committee recommends its adoption.

MR. CHURCH: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: And,

"Resolution No. 14

"WHEREAS, the 1934 convention of the National Association of Broadcasters directed the chairman of the Commercial Section to appoint a Committee of Five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view of setting up a bureau for the broadcasting industry, and

"WHEREAS, such Committee was appointed, studied the problem and conducted discussions with the aforementioned organizations, the results of which discussions have been reported by the chairman of the Commercial Section to the Board of Directors and the Convention,

"Therefore Be It Resolved, That the National Association of Broadcasters reaffirm its willingness to cooperate with the advertisers and agencies in the creation of a cooperative bureau, and that the President of the Association be directed to appoint a committee of not less than five members, to be approved by the Board of Directors and to be responsible to it, the said committee to conduct such activities as may be necessary to the establishment of such a bureau and to represent the National Association of Broadcasters in any discussions or negotiations with advertisers and/or agencies."

Your Committee on Resolutions recommends its adoption.

PURNELL H. GOULD (WFBR, Baltimore, Maryland): Second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: This is proposed by the Newspaper Section:

"Resolution No. 15

"Resolved, That the Board consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations."

I move its adoption.

MR. CISLER: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: The next is:

"Resolution No. 16

"Resolved, That the National Association of Broadcasters hereby adopts the revised Code of Ethics as presented in the report of the chairman of the Commercial Committee."

The Resolutions Committee recommends its adoption.

MR. CAMPBELL: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: And,

"Resolution No. 17

"Resolved, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio."

Your committee recommends its adoption.

R. H. MASON (WPTF, Raleigh, North Carolina): I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: The next one:

"Resolution No. 18

"Resolved, That the National Association of Broadcasters hereby thanks the Legislative Committee and its chairman, Henry A. Bellows, for their diligent work during the past year, and that the Association hereby recommends that the Managing Director give careful study to this report of the Legislative Committee and bring all such matters to the attention of the Board of Directors which had not been covered otherwise in resolutions adopted at this convention."

Your committee recommends its adoption.

J. H. RYAN (WSPD, Toledo, Ohio): I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Next:

"Resolution No. 19.

"Resolved, That the NAB hereby petitions the Congress of the United States speedily to enact Senate Bill No. 3047, generally known as the Duffy Copyright Bill, which brings the Copyright Act of 1909 into conformity with the pending Treaty which would permit American entry into the International Copyright Union, and which will afford relief to broadcasting stations, hotels, restaurants, public gatherings, valet shops, and so forth, by eliminating the minimum statutory damage provision and permitting the Court to determine the amount of damages.

"And that a copy of this resolution be communicated to the chairman of the Patents Committee of the Senate, the Hon. Wm. G. McAdoo; to the chairman of the sub-committee of the Patents Committee of the Senate, Senator Duffy; and to the chairman of the Patents Committee of the House of Representatives, Representative Sirovich."

Your committee recommends its adoption.

EDWARD K. CARGILL (WMAZ, Macon, Georgia): Second it.

MR. BUTCHER: I see we have made a mistake. Duffy is not chairman of the Patents Committee of the Senate. I don't think you need to identify Senator Duffy.

CHAIRMAN CARPENTER: Making it read: "And that a copy of this resolution be communicated to the chairman of the Patents Committee of the Senate, the Hon. Wm. G. McAdoo, to Senator Duffy and to the chairman of the Patents Committee of the House of Representatives, Representative Sirovich." Correct?

MR. BUTCHER: Unless we add Bloom's name. I suggest we add the name of Bloom. He introduced the companion measure in the House.

CHAIRMAN CARPENTER: "And to Representative Bloom." Are there any objections to that from the members of the Resolutions Committee who are present? I think they are all present. This is suggested by Mr. Butcher who is a member of the Resolutions Committee.

(There were no objections.)

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Now we have:

"Resolution No. 20.

"Whereas, it is the declared policy of the Congress of the United States that the Federal Communications Commission in the administration of the radio law shall have no censorship powers over radio programs, and

"Whereas, the greatest possible freedom of speech must be preserved to radio broadcasting, be it therefore

"Resolved, That the NAB instructs its Officers and Directors to oppose any and all legislation and governmental regulations, the effect of which would result in the abridgment of freedom of speech."

Recommended by your committee.

MR. CAMPBELL: Second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Resolutions 21, 22 and 23 are those proposed by Mr. Jones yesterday and by vote of this Convention, the Resolutions Committee was instructed to present them to you this morning. This we are doing and naturally, under the circumstances, without any recommendations since we have no choice in the matter and are merely presenting them as proposed. This does not mean necessarily, however, that any of the Resolutions Committee were opposed to them.

"Resolution No. 21.

"Since it is the consensus of opinion of the members of the National Association of Broadcasters that the Attorney General of the United States be commended for instituting anti-trust proceedings against the American Society of Composers, Authors and Publishers, et al., and

"Whereas, the Attorney General of the United States, the Hon. Homer S. Cummings, and the Special Assistant Attorney General, Andrew Bennett, have faithfully and diligently served the public interest by proceeding with such suit against the members of said Society with dispatch and in a commendable effort to rid the people of this country of monopolistic practices which are subversive to the business principles of a free people, and

"Whereas, it appears that the public interest necessitates and requires that such proceedings be pressed to a final and speedy determination, it is

"Resolved, That this Association favors and approves a continuation of the activities of the Attorney General and his staff in the Government's proceedings against the American Society of Composers, Authors and Publishers, et al., and that the President of the Association is hereby directed to express our gratitude and appreciation to the Attorney General and his staff for such action on the behalf of the public interest, and it is respectfully urged that the Attorney General and his staff continue therewith, with the assurances of our support."

Do I have a motion for the adoption of this resolution?

MR. CRANEY: I move the adoption of this resolution.

CHAIRMAN CARPENTER: Is there a second?

MR. CURTIS: I'll second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: This is the next:

"Resolution No. 22.

"Resolved, That the Officers and Directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, The Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners."

Is there a motion for the adoption of this resolution?

MR. CRANEY: I so move.

WILLIAM C. GILLESPIE (KTUL, Tulsa, Oklahoma): I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: And then:

"Resolution No. 23.

"Whereas, Joseph Hostetler, the counsel for the copyright activities of NAB has made a complete and full report of his activities in this respect, and since his efforts in this regard have at all times been prompted by a sincere desire to perform a distinct service to the broadcasting industry as a whole in following out the instructions that this industry gave him as its attorney, it is

"Resolved, by this body that Joseph Hostetler should be warmly commended for his efforts to obtain relief for the broadcasting industry from the ravages of the American Society of Composers, Authors and Publishers, and it is recommended that he be given the opportunity to continue to give the same service to the NAB and the members thereof at large as he has in the past."

Is there a motion?

MR. CARGILL: I move it be adopted.

BURT SQUIRES (WHK, Cleveland, Ohio): I second the motion.

GERALD KING (KFWB, Los Angeles, California): I'd like to ask a question. As I understood it yesterday during this meeting, Mr. Hostetler's duties with the NAB have been finished. Your resolution recommends that he continue. It that correct? What work would he do?

MR. CRANEY: It says: "that he be given the opportunity to continue". In other words, to act as counsel in copyright proceedings for the Association.

MR. KING: I understood that Mr. Hostetler was employed for one specific purpose and that purpose has been served.

CHAIRMAN CARPENTER: I think I can clarify that. May I say that the Resolutions Committee understood it to mean that if in the opinion of the Board of Directors it was necessary to employ somebody, Mr. Hostetler could and should be considered.

MR. KING: Then why not clarify it to that extent?

(The question was called for.)

MR. McCOSKER: In view of the fact that I have been intimately associated with Mr. Hostetler in his activities, if I might, I'd like the privilege of seconding that motion.

(Mr. Squires withdrew his second and Mr. McCosker was recorded as seconding the motion.)

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Next:

"Resolution No. 24

"Resolved, That the NAB hereby affirms the action of the Board of Directors taken at their New York meeting on June 22, 1935, as expressed in the following resolution:

> " 'Whereas, a full report covering the recent negotiations with ASCAP has been made to the Board by A. J. McCosker, chairman of the Copyright Committee heretofore appointed, and certain of the members of the committee; and by Edward Klauber, representing CBS; A. L. Ashby, representing NBC, I. D. Levy, representing WCAU, and J. C. Hostetler, copyright counsel for the NAB; the Board makes the following declaration of principles and facts:
>
> " '1. The Board reiterates that the so-called 'per piece plan' or 'measured service plan' is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.
>
> " '2. The Board believes that the two networks and WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the Copyright Committee of ASCAP a 'per piece' or 'measured service' plan prior to the expiration of present contracts; and that when they accepted such contracts it was because the networks and WCAU felt that it was necessarv for the industry to have available upon the best terms possible, the repertoire controlled by ASCAP, and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.
>
> " '3. The Board believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years from January 1, 1936 (1) in the light of the requirements of his station, (2) his contract commitments, if any, either to the networks or advertisers, and (3) the fact that the suit being prosecuted by the United States has been continued until early in November, 1935, and therefore in all probability cannot be decided by the trial court prior to the date of the extension of the present license already granted which is January 1, 1936.' "

Your committee recommends it adoption.

MR. WEISS: I second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: And the last:

"Resolution No. 25.

"Resolved, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years."

I move its adoption.

MR. CISLER: Second it.

(The motion was put to vote, and was carried.)

CHAIRMAN CARPENTER: Now we come back to resolution eight.

In instances of this kind we appeal to Phil because of his intimate knowledge of our Constitution, because of his knowledge of the needs and desires of all types of stations, and I hope he will be here in just a moment.

It would seem to me, however, in this connection, that it would facilitate matters if the resolution as adopted by the Resolutions Committee were passed upon as presented by the Resolutions Committee for several reasons: first, because it refers to one thing only, active and associate membership; second, because it was proposed to the membership according to the strict interpretation of the Constitution and By-Laws several weeks ago and everybody has had an opportunity to digest and read it; and, third, because I understand it is definitely stated that all resolutions must be presented by the Resolutions Committee and if these additional resolutions would have to be presented by the Resolutions Committee, it would be necessary for us to go out and hold an additional meeting.

MR. EARL: May I have something to say, not commenting about the ruling but to call your attention to the fact that amendments must be voted on first. Second, you have amended another resolution here.

MR. WEISS: Those are corrections; not amendments.

MR. EARL: As a straight parliamentary rule, amendments are voted on first. Furthermore, you can always amend anything from the floor. If you are going to vote, you have to vote on the amendments first.

CHAIRMAN CARPENTER: My recommendation was that the additional amendments be considered separately because they have nothing to do with what we are trying to get at and that is active and associate membership. Of course, with the question at hand with Mr. Craney and Mr. Jones, we don't want anything railroaded through. Ye gods and little fishes, if you have an amendment proposed several weeks in advance and the membership notified of it, and then you hang on it a number of things that have nothing to do with the objective—isn't that the very thing you are trying to get away from!

C. M. JANSKY, JR. (Jansky & Bailey, Washington, D. C.): The very simple purpose of this resolution is to limit the ballot to those who operate stations, a policy which we have advocated consistently ever since we have been members. I represent an organization disenfranchised by this action but I would hate to see anything stand in the way of accomplishing this very simple purpose which should have been done long ago.

MR. WILLIAMSON: I suggest that you read that portion of the Constitution and By-Laws that has to do with amendments to the Constitution and then conduct your vote accordingly.

CHAIRMAN CARPENTER: May I say that we are getting an interpretation from Mr. Loucks to you in just a moment and in the meantime, I wanted to get an expression of opinion from as many as want to express an opinion so by no stretch of imagination can anyone say this was cut and dried beforehand by either those who favor the amendment or those who do not.

MR. SHEPARD: Mr. Chairman, I had an amendment I wanted to present. I took it up with Phil. He said that under the By-Laws it could not be done without having been sent to the members two weeks in advance. I just give you that interpretation which he made rather early this morning.

MR. CRANEY: I don't like to contradict John Shepard but Phil told me it could be done.

MR. HUBBARD: Would it be in order to suggest to Mr. Jones and Mr. Craney that nothing could happen to this amendment until next convention and that they withdraw the amendment and make a motion to refer it to the Board of Directors? In that way they'll accomplish their purpose.

MR. CRANEY: It won't be done in time for election of officers and directors. It will mix up your election next year. I think we should vote on whether we want to consider these.

CHAIRMAN CARPENTER: All right, at your suggestion, may I have a motion—and I shall use the prerogative of The Chair in steering this in the way I want to have it go. Does anyone wish to make a motion?

MALLORY CHAMBERLIN (WNBR, Memphis, Tennessee): May I ask a question before that vote? Is there a way we can vote on that resolution number eight and still get this presented through the Resolutions Committee? Can the Resolutions Committee meet and put it in?

CHAIRMAN CARPENTER: This is a personal opinion. I believe the Resolutions Committee could meet and present these amendments but I don't believe it would be legal.

MR. CHAMBERLIN: I am thoroughly in accord with the resolution and with this amendment but I wouldn't want to jeopardize the present resolution number eight.

CHAIRMAN CARPENTER: That is what I'm afraid of.

MR. CHAMBERLIN: Then let's wait for Mr. Loucks.

MR. CRANEY: Mr. Chamberlin, I can withdraw, of course, and all that sort of thing. But, I talked with a lot of broadcasters. I think a lot of them would like to get this vote through. Some of them would like to put it through; some of them don't.

I really think inasmuch as it is our Constitution, it can be changed if we want it. This is an amendment to an amendment to the Constitution. It refers to one of the same articles. I think you have the right to change it if you want to. If you don't want to, then let's vote against it.

(The convention applauded as Mr. Loucks entered the convention hall.)

CHAIRMAN CARPENTER: May I state to Mr. Loucks this question. You've heard the story of the fellow who said he was an "interrupter" for a deaf mute; we'll have Phil be the "interrupter" for the Constitution.

Resolution number eight was presented by the Resolutions Committee embodying the amendments to the Constitution and By-laws sent out to the membership.

Now, there are proposed several amendments to the Constitution. . . .

MANAGING DIRECTOR LOUCKS: You don't have to read it. The Chairman may not entertain a motion to amend the Constitution and By-Laws—Robert's Rules of Order.

CHAIRMAN CARPENTER: The committee recommends the adoption of resolution eight.

MR. CRANEY: I second it. (Applause.)

CHAIRMAN CARPENTER: And I'll help you put those through.

MR. WAY: When does this become operative if adopted?

CHAIRMAN CARPENTER: Immediately. It cannot be retroactive. This amendment cannot become retroactive.

MR. WAY: Is Phil gone?

MANAGING DIRECTOR LOUCKS: Upon adoption.

MR. WAY: Is it thoroughly legal that you disenfranchise people coming to the convention to vote before the vote comes up? Not that I have any doubt it might be a good thing. Is that strictly in accordance with the Constitution?

CHAIRMAN CARPENTER: May I ask the President if it is the intention of the Board of Directors to conduct the election today, taking into condition this resolution adopted?

PRESIDENT WARD: No, according to my understanding.

CHAIRMAN CARPENTER: Would the Board of Directors legally be required to exclude all those who become associate members by this change in Constitution in the election today?

MANAGING DIRECTOR LOUCKS: No, they are entitled to vote in this election.

(The question was called for.)

CHAIRMAN CARPENTER: Mr. Ward has said it was not his intention; Mr. Loucks said they should not and need not be excluded.

MR. CRANEY: It is effective just as soon as it is voted on.

MANAGING DIRECTOR LOUCKS: Let me explain the intent. It was intended by the Board that the resolution would be adopted subsequent to the election. If you had had your election first, you would have eliminated this situation. Now, if you haven't acted upon it, you should take that into consideration before you act. But, it becomes effective upon adoption.

CHAIRMAN CARPENTER: If this resolution is adopted now, all those who do not own and operate stations are associate members and cannot vote today. Now, are there any remarks?

MR. WEISS: Mr. Chairman, I move that we table the recording of the vote on your resolution, for the purpose of mechanics that the vote be postponed until after the election so as not to disenfranchise anybody.

CHAIRMAN CARPENTER: Will you make that in the form of an amendment?

MR. WEISS: Yes.

MR. SYMONS: I second that.

MR. JONES: You can't amend that.

CHAIRMAN CARPENTER: The Chair rules that this is an amendment to the action taken here and not an amendment to the resolution as the other amendment was.

DR. JANSKY: Mr. Chairman, I'd like to say that I don't believe that those of us who don't own stations should vote. This is an Association of those who own and operate broadcast stations. (Applause.)

Those of us who are affiliated should be associates but we should have no part in the election. (Applause.)

EDWARD PETRY (Edward Petry & Co., Inc., New York, N. Y.): I am thoroughly in accord with Dr. Jansky's statement.

MR. HAGER: I suggest the associate members here be allowed to express an opinion as to whether or not they care to vote. I think this is only in decency to the gentlemen who came for that purpose.

MR. PETRY: I have no desire to vote.

MR. JONES: I move an amendment to the motion now before the house. I move that this resolution be adopted as presented to the convention.

(There was no second to Mr. Jones' motion to amend.)

MR. WEISS: I withdraw my amendment.

(Mr. Symons, who seconded Mr. Weiss' amendment, consented to its withdrawal.)

(The motion (to recommend the adoption of resolution number eight) was put to vote, and was carried.)

CHAIRMAN CARPENTER: The Resolutions Committee thanks you very, very much. (Applause.)

MR. CRANEY: Mr. Chairman . . .

CHAIRMAN CARPENTER: Oh, he's coming back. (Laughter.)

MR. CRANEY: In order to get these things before you, I'd like to make a motion that the Association direct the Board of Directors to see that these various amendments I have to the Constitution are brought up for vote and voted upon before the election next year because it will make quite a bit of difference. If you want me to read all the proposed amendments, I'll do so.

THE CONVENTION: No! No! No!

CHAIRMAN CARPENTER: May I suggest that, without making a motion, they'll be referred to the Board?

MR. CRANEY: I made that as a motion.

CHAIRMAN CARPENTER: Is there a second?

MR. KING: I second it.

MR. CURTIS: Why not amend that motion to the effect that these amendments be published in the NAB REPORTS?

(The question was called for. The motion was put to vote, and was carried.)

(President Ward took the chair.)

PRESIDENT WARD: Gentlemen, we now come to that most interesting part of our session this morning—the report of the Nominating Committee which we had yesterday but to refresh your memory, I am going to ask John Gillin to come to the stand and give his report of the Nominating Committee. Is John Gillin in the room? While we are waiting, Mr. Weiss has a statement to make.

MR. WEISS: The appearance of the independent ticket that was handed to you as you came in the door might arouse some curiosity as to whether it was on the part of insurgent, or Bull Moose, or some dissatisfied contingent of the NAB. I have been asked to explain the reason for the appearance of the so-called insurgent ticket.

It has been emphasized repeatedly during this meeting that in the election of Directors and Officers, you should select those behind whom the organization could be solidified and unified at all times.

If you will examine the independent ticket, you will find acceptable to the small stations, the local stations, the independent stations, the entire officer ticket selected with the exception of the First Vice President and I would like to say in connection with that that the one change suggested by the various groups of stations who have asked me to express their opinion in their behalf, was not prompted by any criticism of Mr. Cowles but was prompted by the fact Cowles is a newcomer and Myers is better known and among other factors taken into consideration was regional representation and certain other characteristics of Myers' position in the broadcasting industry.

I just want to add from the regional viewpoint there were suggested three changes in the Board of Directors recommended by the committee and if I may, I ask to speak on the floor in behalf of the candidates. I don't want to monopolize your time but in the interest of saving time representing the group who asked me to speak in their behalf.

MR. MYERS: Mr. Chairman, I am certainly deeply appreciative of the honor bestowed upon me by the group of northwest stations or other stations which have placed my name on the independent ballot.

Yesterday I sincerely asked to be withdrawn from the Nominating Committee's slate in favor of Mr. Symons of Spokane. It was not the pleasure of the Association that my name be withdrawn. It seems to me cumbersome for a man to run on two tickets for two different offices. I ask the Association kindly to withdraw my name from all ballots as I requested or else withdraw from the office of Vice President on the independent ballot. It is quite all right for me to withdraw entirely. It is at the pleasure of the convention. I will leave it in your laps but I don't wish to run for two different offices on two different tickets.

PRESIDENT WARD: Gentlemen, I have received here a petition signed by ten men suggesting that the name of Guy Hamilton be placed before this body for a Board member.

Now, yesterday at the close of our session I stated that in order to get this thing done as quickly as possible, the Elections Committee would not receive any petition after 9:00 o'clock this morning.

THE CONVENTION: Right!

PRESIDENT WARD: This petition came to me about 10:30. I don't want to be unfair about this thing although I have made that ruling. If it is the consensus of opinion of this body that although I made that ruling yesterday, you want to accept this petition, I am perfectly willing to dispense with the ruling. But, my only thought is having once made that ruling, it may have stopped some activity of those who would have liked to have gotten a petition in but realizing that due to the closing time, they would not have an opportunity. It seems to me in view of the ruling and the time the petition came in, it should not be accepted, but I am perfectly willing to abide by your wishes in the matter.

LLOYD C. THOMAS (WROK, Rockford, Illinois): I move that the rules be suspended, that our former action be rescinded, that the petition be accepted and the candidate placed on the list.

C. E. WYLIE (KFRC, San Francisco, California): I second it.

(The motion was put to vote, and was lost.)

PRESIDENT WARD: Mr. Gillin, chairman of the Nominating Committee, will now make his report.

MR. GILLIN: Gentlemen, the Nominating Committee has nominated, as I stated yesterday:

Leo Fitzpatrick of WJR, Detroit, for the presidency of NAB.

For First Vice President, the Nominating Committee has nominated Gardner Cowles of KSO, WMT and KRNT, owned by the Iowa Broadcasting Company.

For Second Vice President the Nominating Committee has nominated Edward Allen of Lynchburg.

For Treasurer—John Shepard, 3rd.

For directors: J. Truman Ward, Charles W. Myers, Steve Cisler, Joseph O. Maland, Thomas W. Symons, Edwin W. Craig, Lester Cox, Ralph Brunton, John Elmer and Edward K. Cargill.

At this time I'd like to have the Nominating Committee report immediately behind the stage.

MR. McCOSKER: Might I not inquire whether the Nominating Committee is to mention the names of candidates named on the floor as well as those named by the Nominating Committee? It has a pleasant sound to me and I'd like to have them do it.

MR. GILLIN: That is a pleasure on my part, Mr. McCosker, I assure you.

The other gentlemen who were nominated from the floor were Mr. C. W. Myers for First Vice President, Mr. Isaac D. Levy for Treasurer, Mr. Donald Flamm for the two-year term on the board of Directors and I believe you have Mr. Guy Hamilton.

THE CONVENTION: No! No! No!

PRESIDENT WARD: I am corrected. That vote was lost.

MR. WEISS: And Stanley Hubbard and Wright Gedge.

MR. GILLIN: Additional nominations for directors: W. W. Gedge and Stanley Hubbard.

PRESIDENT WARD: We'll now have the report of our Credentials Committee by its chairman, Jack Storey.

(Mr. Storey was absent.)

PRESIDENT WARD: Mr. Slavick, who is a member of that committee, will make the report for Mr. Storey.

MR. SLAVICK: The Credentials Committee unanimously adopted the resolution for the Board of Directors of the NAB passed at Cincinnati in September, 1934, as its guide in determining who shall be permitted to vote. The resolution follows:

"*Resolved,* That it is the sense of the Board of Directors and it so directs the Committee on Credentials that delegates and/or alternates shall be full-time employees or officers or partners of member stations or companies owning and/or operating such member stations or shall have a provable capital interest in the member station of not less than one per cent. of the capital stock of the owning corporation or a proportionate partnership holding in such member station; provided, however, that other persons duly named as delegates or alternates shall be admitted to all sessions of the convention but shall not be given the privilege of voting."

The Credentials Committee, after checking the list carefully, found that there are 242 members qualified to vote.

PRESIDENT WARD: The Chair accepts the report of the Credentials Committee and will refer it to the Chairman of the Elections Committee, Mr. Glenn Snyder.

(Glenn Snyder (Chairman, Elections Committee; WLS, Chicago, Illinois) took the chair.)

CHAIRMAN SNYDER: Ladies and gentlemen, the Elections Committee, meeting this morning, find there are two tickets and one additional petition for Mr. Levy, and I think that is all covered on the board.

We have no contest for President, no contest for Second Vice President.

The rules we adopted for this election, I have probably already lost, (Laughter) which is quite natural for me.

The Elections Committee ruled that the vote should be by secret ballot; that a majority of votes cast shall elect. Then probably the only other important thing is only members present at the convention and at the election are permitted to vote.

The question came before the committee as to whether registered members who have left before this election session could vote by so-called mailed ballots or proxies. The Elections Committee ruled votes so cast would not be counted.

The Elections Committee feels, in its judgment, the Nominating Committee should designate from their ten candidates who they have as candidates for the three-year term and who for the two-year term. I'd like to call on the Nominating Committee to make that designation in their list. Without it, there would be endless confusion.

MR. WEISS: Mr. Snyder, would it be acceptable to your Elections Committee to have those who wished to use the independent ballot, use that in its entirety in lieu of the blank slips passed out?

THE CONVENTION: No.

MR. WEISS: Just as a matter of expediency to you.

CHAIRMAN SNYDER: We had felt that we would vote for the First Vice President and the Treasurer first and then take up the Directors, and we have discussed all that and felt it could be done best by secret ballot.

EDWIN M. SPENCE (WBAL, Baltimore, Maryland): There will be no secret ballot on President and Second Vice President.

CHAIRMAN SNYDER: The Nominating Committee is meeting now to designate their various candidates for office.

MR. BUTCHER: Mr. Chairman, since there is no opposition for President, I move that the election be made unanimous.

MR. SYMONS: I second the motion.

(The motion was put to vote, and was carried.)

MR. BUTCHER: I believe there is no other candidate for Second Vice President except Mr. Allen so I move that that election be made unanimous.

ISAAC D. LEVY: I second the motion.

(The motion was put to vote, and was carried.)

CHAIRMAN SNYDER: Mr. Gillin is ready to name his candidates.

MR. GILLIN: Gentlemen, the Nominating Committee have now named for the three-year term: J. Truman Ward, Joseph Maland, Charles Myers, Edwin W. Craig, Steve Cisler and Thomas W. Symons.

For the two-year term as directors, that is, the unexpired term: Lester Cox, Ralph Brunton, John Elmer and Edward K. Cargill.

MR. JONES: Mr. Chairman, would it not be fair, inasmuch as your report came in without this designation, that you not conflict in the name of Ralph Brunton? On the independent ticket there was a clear demarcation between the two- and three-year members. You have just now placed the name of Brunton for the two-year term whereas the name of Brunton is on the three-year term on the independent ticket. Had you made your division in the first place, this ticket could have been made to conform.

It would avoid confusion and I understand that is the purpose of this division.

MR. GILLIN: I hadn't noticed that. I think this, gentlemen: the Nominating Committee has made a ruling as to the terms for the nominees that they have placed before you here this morning as candidates for directors and that is that six men will be voted upon for the three-year term and four men for the two-year term.

MR. CRANEY: Mr. Chairman, the Nominating Committee made a report yesterday to the effect that the five receiving the majority would be the ones to go in for the three-year term and that you would then vote again on the ones left for the two-year term.

Isn't it better to do it the way you made the recommendation yesterday than to change the ruling this morning?

MR. GILLIN: It was the sense of the floor that they would rather have us designate for two- and three-year terms. The Nominating Committee did so, so that the floor could more easily vote and facilitate the voting on the floor.

MR. CRANEY: Probably if we vote for the three-year term and then vote for the two-year term after we know who is elected, that will clear up the situation under the present ruling.

MR. GILLIN: Under the present ruling, the candidates to be elected must have a majority. If you have ten or eleven candidates, you couldn't get a majority as easily as if you designate for the two- and three-year term. If it is the sense of the floor that they want to sit and ballot all morning and afternoon and night, that is all right.

THE CONVENTION: Let's go.

CHAIRMAN SNYDER: The Elections Committee would like to ask your opinion on this: in the case of First Vice President and Treasurer, that ballots be cast together at the same time for those two offices rather than make a separate ballot for Treasurer and First Vice President. What is your pleasure?

THE CONVENTION: O. K.

MR. MALAND: I move that be done.

MR. WEISS: I second it.

MR. BLISS: Mr. Chairman, I think that ought to be designated on the ballot.

(The question was called for. The motion was put to vote, and was carried.)

MR. WEISS: Mr. Chairman, as I explained before, I am speaking for a group and not to monopolize time but I find myself in a parallel position in discussing the candidates as my distinguished colleague Mr. McCosker. I say my position is parellel in that I am espousing the cause of a distinguished candidate but there my parellel stops because I obviously lack the flowery oratory of Mr. McCosker and I am compelled, therefore, to appeal to your reason.

MR. McCOSKER: Do you yield?

MR. WEISS: I do not, sir. I have the floor. In espousing the cause of Mr. Shepard and urging you to vote for John Shepard, 3rd, of this organization, I want to state definitely that I have the utmost respect for his distinguished opponent, Ike Levy. As a matter of fact, I concur in the many complimentary things said in the session which lasted most of all yesterday and even concur in the complimentary things Mr. Levy said about himself.

My purpose in urging the cause of John Shepard—I want to say this without trying to be funny or trying to cast any reflection on Mr. Levy! I am not questioning Mr. Levy's ability to serve this organization with distinction and ability but I believe because of the things that were said (and many of them unquestionably were an injustice to Mr. Levy) that a greater unanimity of support and a feeling on the part of all the stations that I have talked to on this subject, repeating again the emphasis that was given yesterday for the need of selecting officers behind whom a great majority of the membership could be rallied and be prompted to support, because of that and that only, I strongly recommend that you support Mr. Shepard.

ISAAC D. LEVY: Mr. Chairman, may I have the floor just a moment?

If you decide you want somebody else for Treasurer, it's all right with me and I say to you, John Shepard, if you are elected, I'll be the first to congratulate you and will make a motion that it be unanimous.

But, I say there is only one question here and I won't be steered from it. I don't care for the office of Treasurer but you are going to tell me by your vote one thing—do you want me to carry on this copyright fight?

It has been suggested that I be made Copyright Committee chairman. I say to you now and I hope you believe me, despite what Mr. Weiss says, that I know and have no hesitancy in saying that there is no man in this organization that knows copyright as I do. (Applause.)

And, I say to you, I don't care for the office. You will relieve me of an awful lot of work if you do not elect me. But, you will tell me by your vote just one thing—shall I carry on or not!

L. W. McDOWELL (KFOX, Long Beach, California): I think we have been laboring under misconception before the opening of this convention by highly decorated cartoons and by our magazines of the Fifth Estate, and led to believe we were going to find a worth while prizefight in yesterday's session of the convention. I was rather agreeably surprised to find all the promised fireworks conspicuous by their absence. There was a lot of wholesale discussion. We didn't hear a question not legitimate and not a question but had a thoroughly legitimate answer. There were no questions that stumped anyone.

However, certain speakers in the course of the session intimated that there had been a feeling of a rift, a feeling of dissension. I don't believe so. I believe we have had a closer coordination. We have had a wide variety of interest in NAB in our regional, local and national stations and, naturally, there isn't going to be unanimity of opinion. It isn't unanimity of opinion we want; it is understanding of opinion, appreciating the fact that the other fellow has a legitimate reason for his viewpoint and, therefore, I do not believe there has been any rift in NAB. It is perfectly natural that there should be some division of opinion, however.

Also in the course of some of the remarks it has been indicated not only that there have been fireworks but that one of our respected members has been on trial. I think this has been an excellent demonstration of a well known fact, the power of the spoken word over the written word in that it has given us an opportunity to realize our mistakes and as a matter of fact, some of us who have been inclined to raise our eyebrows in question have been somewhat humiliated.

Nevertheless, I do not think it has been a case of anybody being on trial nor of repudiation because by a rising vote of confidence and the adoption of resolution number twenty-four this morning, the convention has expressed its entire confidence in Mr. Levy. We have certainly placed him beyond the question of a doubt in following his duties. Mr. Levy has been exonerated and we are not obligated to place our vote for him but are now in position to exercise the prerogatives of a voter—to vote under no obligation whatsoever!

FRED A. PALMER (WBNS, Columbus, Ohio): I move, Mr. Chairman, that we proceed with the balloting.

MR. BLISS: I second the motion.

(The motion was put to vote, and was carried.)

MR. BUTCHER: Mr. Chairman, before I can vote, I'd like to have the ruling of the Chair. The Chair did not rule as to whether or not Mr. Myers had withdrawn or was still a candidate. I'd like to have that.

CHAIRMAN SNYDER: As far as I know, he is still a candidate. Is that correct?

MR. GILLIN: Mr. Myers is a candidate.

A MEMBER: Would there be any question as to the legality of Mr. Myers' running for two offices on two tickets?

CHAIRMAN SNYDER: No. The Managing Director will read the names of the members who are qualified to vote. Ballots will be distributed. On that one ballot you will vote for the office of First Vice President—C. W. Myers or Gardner Cowles—and for the office of Treasurer—John Shepard or I. D. Levy.

(The ballots were distributed. The voters marked their ballots. As Managing Director Loucks called the roll by stations, the ballots were deposited in the ballot boxes. The Elections Committee retired to count the ballots.)

(President Ward took the chair.)

PRESIDENT WARD: Gentlemen, while we are getting some difficulties regarding the elections report straightened out and in order to conserve time, I have some invitations and greetings. First a telegram from Frank A. Blair, President of the Proprietary Association:

"The Proprietary Association comprising manufacturers of eighty per cent. of all package drugs in the United States greets the National Association of Broadcasters and extends its best wishes for a successful convention. To help radio stations in deciding problems of advertising of package medicines we offer the services of our Advisory Committee on Advertising, Edward H. Gardner, Executive Secretary and our Scientific Section, Dr. G. F. Reddish, Chairman. Advisory Committee on Advertising aided by outstanding scientific experts familiar with problems of industry and requirements of Government has in eleven months operation reviewed copy and continuities for all types of manufacturers whose annual advertising appropriations total more than forty million dollars. This committee has cooperated closely with all types of media in clarifying problems on medical copy. Our Scientific Section is using cooperatively extensive laboratory facilities of our membership to determine technical issues involved in advertising. These resources are placed without charge or obligation at the disposal of your members."

An invitation from the International Radio Club signed by the President, Jack Rice:

"For five years the International Radio Club has been indebted to the broadcasters of the United States for their splendid spirit of cooperation in developing good will between communities and countries and we have in our own way tried partially to repay the broadcasters in extending to them each year an invitation to participate in our Annual International Radio Parties in Florida.

"This year, in order to augment the international aspect which has been the theme of the Radio Party in the past, we have selected Havana, Cuba, as the place to hold the Sixth Annual International Radio Party on December 9, 10 and 11, 1935.

"We are happy indeed to extend to the NAB members and their wives a most cordial invitation to attend the Radio Party in Havana. As usual, our invitation includes hotel accommodations, meals, entertainment, refreshments,, etc., and transportation between Miami and Havana.

"The International Radio Club is composed of broadcasters throughout the United States, Canada and Latin American Countries and we trust that the Radio Party in Havana will be a further demonstration of the development of good will through the facilities of radio broadcasting."

I have here a telegram:

"It is with great pleasure that I extend a most cordial invitation to you and associates to attend the sixth annual international radio party in Havana next December. President Mendieta would be delighted with your acceptance, granting audience during party. Juan Sabates, President, Tourist Commission."

Another telegram which should be of interest:

"I have been appointed to wire you that the Bacardi Company will heartily cooperate with the Cuban Tourist Commission in assuring the biggest success of the Sixth Annual International Radio Party and a pleasant stay in Havana to all. Best regards. Rafael Valiente."

I have a letter here from the Governor of Minnesota, Hon. Floyd B. Olson:

"It gives me great pleasure, as Governor of Minnesota, to extend to your Association an invitation to hold your 1936 convention in the State of Minnesota. Your associates here will gladly make every arrangement for the success of your convention and the pleasure of those who attend.

"The State of Minnesota will be honored by your presence, and a cordial welcome awaits you."

I have here letters from the Mayor of St. Paul and the Secretary-Manager of the Convention Department of the St. Paul Association of Commerce which I shall not read at this time since our time is limited. These invitations as well as the others are being referred to the Board.

I have here a telegram from Pittsburgh:

"Pittsburgh wishes National Association of Broadcasters a most enjoyable and profitable convention at Colorado Springs. We earnestly request your serious consideration of Pittsburgh as ideal 1936 meeting place. You are assured of our cooperation and a hearty welcome in Pittsburgh. Cordially, R. K. Christenberry, President, Pittsburgh Convention and Tourists Bureau."

I have here a telegram and a nice folio from the Mayor of Atlantic City, the President of the Chamber of Commerce of Atlantic City and the President of the Convention Bureau, and certain facts and pictures pertaining to Atlantic City, in which they extend a hearty invitation to hold our next convention there. These will be referred to our Board.

I now want to take this opportunity to extend the sincere thanks of the Association to Mr. and Mrs. Gene O'Fallon, the co-chairmen respectively of the Local Convention Committee and the Ladies Committee on arrangements here at Colorado Springs. I am sure we were royally entertained and a vote of thanks is due Mr. and Mrs. O'Fallon. (Applause.)

(Mr. Snyder took the chair.)

CHAIRMAN SNYDER: The ballots for the two offices you voted on are now being counted. Because of the complication of one man being candidate for another office, we can't proceed until that count is completed.

In voting for directors, we will vote first for three-year and then for two-year. Anybody that wants to do so can be making out his ballot. There are nine candidates for the three-year term. I will ask Mr. Gillin to read that and explain it to you.

MR. GILLIN: Gentlemen, here are the candidates for the three-year term: J. Truman Ward, Joseph O. Maland, Charles W. Myers, Steve Cisler, Thomas W. Symons, Edwin W. Craig, Ralph Brunton, W. W. Gedge and Stanley Hubbard. There are nine candidates for the three-year term directorship and there are to be elected from these nine, five directors.

For the two-year term directorate, there are five candidates. They are as follows: Lester Cox, Donald Flamm, Ralph Brunton, John Elmer and Edward K. Cargill.

The first ballot taken on the directorship will be on the three-year term directors. You will vote for five out of the nine candidates. On a subsequent ballot, you will vote for the two-year director.

C. W. HAYES (WHBC, Canton, Ohio): Why can't we vote on one ballot?

MR. GILLIN: You can't because of Brunton.

MR. CHAMBERLIN: Do we vote on two separate ballots and in separate boxes at the same time?

MR. SHEPARD: If you did, you might elect the same man for the two- and three-year term.

MR. GILLIN: That is why we have to take a separate ballot, just as we had to wait for the counting over of the other ballot so we can be assured about the gentleman running for two offices—First Vice President and director.

(President Ward took the chair.)

PRESIDENT WARD: While we are waiting, I want to show you this folder which is very, very beautiful from the City of San Francisco with the statement, "In 1938 San Francisco, California, will hold an International Exposition celebrating the completion of the two great bridges across San Francisco Bay." This Association has been formally invited to hold its convention in San Francisco at that time by Governor Merriam, Mayor Rossi and others of the Convention Bureau Department. Their reason for extending it now although the invitation is not until 1938 is obvious because of the International Exposition but they wanted to get it in now as a matter of record. It will be referred to the Managing Director for reply and turned over to the Board at the proper time.

Gentlemen, I have been asked to state that inadvertently in thanking the hotel here for their courtesy and hospitality, the name of Mrs. Elliott, Manager of the Colorado Springs Chamber of Commerce, who assisted in our registration, was left off and we would like to have it a matter of record that her name be included. All in favor, say "aye"; opposed, "no."

(The vote was to include the name of Mrs. Elliott.)

PRESIDENT WARD: Gentlemen, we are now ready for the report of the Elections Committee for the election of First Vice President and Treasurer.

MR. SNYDER: Gentlemen, the Elections Committee has made their count for the offices of First Vice President and Treasurer with the following results:

First Vice President:

Total votes cast		188
Myers	97	
Cowles	91	

You have elected Mr. Myers.

MR. COWLES: I move that the election of Mr. Myers be made unanimous.

(The motion was seconded by several. The motion was put to vote, and was carried.)

MR. SNYDER: For Treasurer:

Total votes cast		191
Levy	108	
Shepard	83	

You have elected Mr. Levy.

MR. SHEPARD: I'd like to move that the election of Mr. Levy be made unanimous.

(The motion was seconded by several. The motion was put to vote, and was carried.)

PRESIDENT WARD: We are satisfied with the work of the Elections Committee so far and they may be dismissed from that job.

Now we proceed with the election of Directors. There have been certain changes in this slate. I will turn the chair over to Mr. Gillin to explain that.

(Mr. Gillin took the chair.)

CHAIRMAN GILLIN: Gentlemen, due to the fact that Mr. Myers is elected First Vice President, he automatically is eliminated from the nominees for directorships for the three-year term. At this time I believe that Mr. Brunton wants to be recognized.

RALPH R. BRUNTON (KJBS, San Francisco, California): Owing to the fact that my name appears on the two tickets for the two-year term and the three-year term, I wish to withdraw from the three-year term and be only on the two-year term ticket.

CHAIRMAN GILLIN: Mr. Brunton has withdrawn his name from the three-year term list of nominees and will remain on the two-year term list.

MR. TAYLOR: Mr. Chairman, is that in order without the consent of this body? You made Myers run. Can he withdraw without the consent of his nominator?

CHAIRMAN GILLIN: I think it would be well for Mr. Brunton to get the consent of the man who nominated him.

MR. BRUNTON: I don't know who nominated me. I didn't know until this morning that I had been nominated and I don't know who did it.

CHAIRMAN GILLIN: I think the only way we can do this, as long as Mr. Brunton does not know the name of the gentleman who nominated him, is to get the consent of this body that he may withdraw from the three-year term slate and I will at this time entertain a motion to that effect.

MR. HUBBARD: I don't see how you can do that. I happen to know something about the nominations and know that those nominations are from five groups.

CHAIRMAN GILLIN: Well, Mr. Hubbard, the only thing is this: Mr. Brunton was nominated on both tickets but Mr. Brunton wants to facilitate the voting so that we will not be here all afternoon.

MR. HUBBARD: I don't care—but I don't see how you can do it.

MR. TAYLOR: Mr. Chairman, I move that Mr. Brunton's name be withdrawn from the two-year list, that is, with his consent.

CHAIRMAN GILLIN: Mr. Brunton has requested that his name be removed from the three-year list. Now you want him to withdraw from the two-year list?

MR. TAYLOR: As one of his many nominators, I would consent to his withdrawal from the other ticket.

CHAIRMAN GILLIN: From the two-year term?

MR. BRUNTON: My only thought was so that we wouldn't be tied up and whichever the convention desires, the two-year term or the three-year term, it will be satisfactory to me.

(The motion was seconded by several.)

CHAIRMAN GILLIN: Gentlemen, the motion is that Mr. Ralph Brunton's name be withdrawn from the nominees for the two-year term directorship.

(The question was called for. The motion was put to vote, and was carried.)

CHAIRMAN GILLIN: That, gentlemen, makes it very easy to continue the election and vote for five directors for the three-year term and one director for the two-year term.

The three-year term candidates are: J. Truman Ward, Joseph O. Maland, Steve Cisler, Thomas W. Symons, Edwin W. Craig, Ralph Brunton, W. W. Gedge and Stanley Hubbard. You vote for five of these candidates which have just been named to you for three-year term directorship.

Now, on the same ballot you will vote for one candidate for the two-year term directorship. The two-year term candidates are as follows: Lester Cox, John Elmer and Edward K. Cargill. I have not received any report from Donald Flamm.

DONALD FLAMM (WMCA, New York, N. Y.): Mr. Chairman, my name has been included on the list of directors for the two-year term. In view of the fact that two of my associates are included in that group and in view of the fact that I have a great appreciation for their ability and have no desire to enter into any contests that would involve opposition to those gentlemen, I request that my name be withdrawn as a candidate for director for the two-year term.

CHAIRMAN GILLIN: Have you the consent of the man who nominated you?

MR. FLAMM: I don't know who nominated me.

CHAIRMAN GILLIN: Well, the only thing that can be done is put it up to the body. Donald Flamm of WMCA has requested that his name be withdrawn from the two-year term list of candidates. At this time I'll entertain a motion to that effect.

MR. WYLER: I'll make that motion.

(The motion was seconded by several. The motion was put to vote. The vote was in doubt.)

CHAIRMAN GILLIN: The only thing I can do is call for a rising vote.

(The motion was put to rising vote. The vote was, for, 59; against, 25. The motion was carried.)

CHAIRMAN GILLIN: Mr. Flamm's name is withdrawn from the list of two-year candidates.

The two-year term candidates are Lester Cox, John Elmer and Edward K. Cargill.

The three-year term candidates are J. Truman Ward, Joseph O. Maland, Steve Cisler, Thomas W. Symons, Edwin W. Craig, Ralph Brunton, W. W. Gedge and Stanley Hubbard.

You vote for five men listed as candidates for the three-year term directorship and you vote for one man listed for the two-year term—on one ballot. And, gentlemen, I want to tell you something else: in order for your ballot to be official, it must be on the official ballot that is handed to you.

(The ballots were distributed.)

CHAIRMAN GILLIN: Gentlemen, in order to expedite the work of the counting board, it has been suggested that you vote for six and not take time to label them three-year term or two-year term. They will know who the candidates are for the three-year term and the two-year term.

MR. CRANEY: We could put a line between.

(Announcements.)

(The voters marked their ballots. Managing Director Loucks proceeded to call the roll by stations, the voters depositing their ballots in the ballot boxes.)

CHAIRMAN GILLIN: Gentlemen, there seems to be some misunderstanding on the floor that you are only voting for the three-year term. You are not only voting for the three-year term but for the two-year term on the same ballot. You are voting for five candidates for three years; you are voting for one candidate for two years.

(The balance of the ballots were cast. The Elections Committee retired to count the ballots.)

(President Ward took the chair.)

PRESIDENT WARD: It has been suggested since it will take approximately one hour to count the votes, that we recess. We will come back at 3:00 o'clock for announcement of the vote and also for installation of officers.

(The meeting adjourned at 1:45 o'clock.)

JULY 10, 1935

Wednesday Afternoon

The meeting convened at 3:00 o'clock, President Ward presiding.

PRESIDENT WARD: We will have the result of the election this morning. Mr. Palmer.

MR. PALMER: There were 158 ballots cast. It, therefore, requires 79 votes to elect.

Craig	138
Brunton	129
Symons	123
Gedge	86
Maland	86
Hubbard	85
Ward	82
Cisler	37

Now that is for the three-year term and according to the rules and regulations, the first five are elected.

Now, for the two-year term, we have a difficulty. It requires 79 to elect. Cox has 62, Elmer 56, and Cargill 29. I doubt if there is a quorum left in this hotel and it requires 79 to elect. Therefore, the Elections Committee would appreciate your advice and counsel. There were some that voted for the three-year term that did not vote for the two-year term.

(Informal discussion.)

WILLIAM S. HEDGES (NBC New York, N. Y.): It seems to me that this convention has failed to elect a director for the two-year term and, therefore, it becomes the duty of the board of Directors to fill the vacancy.

MR. PALMER: Mr. Hedges' suggestion is what we will have to do. As I understand your rules and regulations, you must have a majority of the ballots cast. And, in order to have a run-off vote, we would have to have quorum.

EARL ANTHONY (KFI, Los Angeles, California): There is an easier way. Any of these boys can turn his votes over.

(Informal discussion.)

MR. HUBBARD: I move it be left to the Board, to make that as a recommendation.

(The motion was seconded by several, was put to vote, and was carried.)

PRESIDENT WARD: The next on the program is the installation of officers.

MR. SPENCE: I move they be considered installed.

I. R. LOUNSBERRY (WGR, Buffalo, N. Y.): I second the motion.

(The motion was put to vote, and was carried.)

(The meeting adjourned at 3:15 o'clock.)

ADJOURNMENT SINE DIE.

The National Association of Broadcasters
NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★ Vol. 3 - - No. 56
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CRAVEN SUCCEEDS JOLLIFFE

Lieutenant Commander T. A. M. Craven has been named by the Federal Communications Commission as chief engineer to succeed Dr. C. B. Jolliffe who resigned November 15 to accept a position with RCA.

Commander Craven was born January 31, 1893, in Philadelphia, Pa. After completing his academic training, he was appointed to the U. S. Naval Academy, Annapolis, where he was graduated with the Class of 1913.

His first assignment after graduation was as Radio Officer on the U. S. S. *Delaware,* 1913-1915, during the Mexican Campaign. His professional duties since then follow:

Fleet Radio Officer, U. S. Asiatic Fleet, 1915-1917.

In charge U. S. Naval Coastal and Transoceanic Radio Operations, 1917-1920.

U. S. Naval Representative at Provisional Inter-allied Communication Conference at Paris, France, 1919.

Naval Representative on U. S. Government Inter-Departmental Board to arrange for collection and distribution of meteorological data in 1919.

Received special letter of commendation for meritorious service during the World War.

U. S. Naval Radio Technical Adviser at International Conference on Electrical Communication at Washington, 1920.

Chairman of sub-committee on wave-length allocation at International Conference at Washington, D. C., in 1920.

Battleship Force Radio Officer, 1921.

U. S. Naval Representative at Conference of Radio Technical Committee on International Radio Communication at Paris, France, in 1921.

Fleet Radio Officer, U. S. Atlantic Fleet, 1921-1922.

Fleet Radio Officer, United States Fleet, 1922-1923.

In charge of Radio Research and Design Section, Bureau of Engineering, 1923-1926.

Member of Inter-Departmental Radio Advisory Committee.

Radio Technical Adviser for Radio Frequency Allocation at International Radio Conference, Washington, D. C., 1927.

Received letter of commendation from Secretary of Navy for work at the International Radio Conference in Washington, D. C., 1927.

Represented Navy Department on various national conferences (frequency allocation).

He resigned from the Navy in 1930 to engage in private radio practice as a consulting engineer.

His work as an author:

Commander Craven has made notable contributions to radio development in his writings. Among other things he collaborated with Captain Hooper in writing Robinson's Manual of Radio Telegraphy and Radio Telephony.

Various technical essays on Naval Radio Communications.

He is a member of the following clubs and societies:

U. S. Naval Institute.
Ends of the Earth.
Military Order of the Loyal Legion of the U. S.
Army, Navy and Marine Corps Country Club.
Kilocycle-Wave Length Club.

COAXIAL CABLE HEARING

Announcement has been made by the Federal Communications Commission that it will hold a hearing on January 6 in connection with the commercial and other aspects of the application of the American Telephone & Telegraph Company and the New York Telephone Company, for permission to lay a coaxial cable between New York and Philadelphia to be used for television work. The hearing on the experimental phase was held this week.

WATCH FOR MR. KING

Association headquarters has a communication from one of the Nebraska members telling how it was victimized by a man going under the name of William P. King, who represented himself to be a tailor.

"Mr. King" appears to be about 35 years of age, slightly built, and rather poorly dressed.

NAB REJECTS BERRY INVITATION

The Board of the NAB has rejected the invitation of Major George L. Berry, Coordinator for Industrial Cooperation to represent the broadcast industry at the industrial-labor conference to be held in this city beginning December 9.

Following is the letter, dated November 22, sent to Major Berry which is self explanatory:

"This is in further reply to your letter of October 9 extending to the radio broadcasting industry an invitation to participate in round-table discussions for the purpose of conferring upon the advisability of developing a permanent structure, contemplating the furtherance of prosperity and stability in our industrial life, and acknowledgment of the receipt of your letter dated November 7.

"It seems quite clear from the letters received from you that the purpose of these round-table discussions is to prepare a program and determine upon a course of action which shall result in a reestablishment, by legislative enactment, of all or a part of the Codes of Fair Competition which were approved in pursuance of the provisions contained in the National Industrial Recovery Act. We, therefore, approach the question presented in the light of our experiences in the administration of the Code of Fair Competition for the Radio Broadcasting Industry. Without attempting to discuss here the many phases of code regulation, we are convinced that the highly competitive character of the radio broadcasting industry must not be destroyed. We regard it as practically impossible to adopt any regulation governing hours, wages and prices which will not set a standard that will be oppressive to many members of our industry and prejudicial to the best interests of all our employees. We are confident that the problems related to your undertaking in so far as the radio broadcasting industry is concerned can be best met by giving due consideration to each problem separately and giving due weight to the conditions and circumstances surrounding it without regard to any common denominator for the industry as a whole.

"We regret to say we cannot accept your invitation."

RECOMMENDS NEW JERSEY STATION GRANT

The Eastern States Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Bridgeton, N. J., to use 1210 kilocycles, 100 watts power, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-137, recommended that the construction permit be granted. He found that the applicant is in all ways qualified to construct and operate the proposed station; that there is need for additional daytime service in the area proposed to erect the station; and "that the only objectionable interference resulting from the operation of the proposed station will be within a radius of one-half mile of the transmitter, wherein the population is less than 260."

ANOTHER TELEPHONE-RADIO CASE

The Telephone Division of the Federal Communications Commission has announced that a hearing will be held at Jefferson City, Mo., on December 13 in connection with whether the Capital City Telephone Company, Jefferson City, Mo., is under the jurisdiction of the Commission or not. The case is similar to that of the Rochester Telephone Company, Rochester, N. Y., announced in these columns last week, in which the Commission seeks to take jurisdiction because the company furnishes wire service to broadcasting stations.

In the Capital City case the Telephone Division says that the scope of the hearing shall include, " * * * in addition to the question of control, any and all facts and matters relevant to the extent of the jurisdiction of this Commission over the Capital City Telephone Company, including the furnishing of facilities and services, if any, to broadcasting stations for broadcast purposes."

RECOMMENDS NEW TEXAS STATIONS

The Federal Communications Commission received applications from four companies in Texas all asking for a construction permit for the erection of a new station. All asked for 1500 kilocycles, 100 watts power, and daytime operation. The applications were from the Big Spring Herald Broadcasting Company to erect a station at Big Spring, Texas; from the A. B. C. Broadcasting Company, to erect a station at the same place; from the Plainview Broadcasting Company to erect a station at Plainview, Texas; and from the North Texas Broadcasting Company to erect a station at Paris, Texas.

Examiner John P. Bramhall, in Report No. I-138, recommended that the application of the Big Spring Herald Company be granted "on condition that an antenna be erected which complies with the standards of the Engineering Department of the Commission." He recommended that the application of the A. B. C. Broadcasting Company be denied and that of the Plainview Broadcasting Company be "dismissed with prejudice." He also recommended that the application of the North Texas Company be granted "on condition that the antenna be established on a site which complies with the standards of the Engineering Department of the Commission."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Automatic Products Corporation, Chicago, Ill. (2-1758, Form A-1)
WJR, The Goodwill Station, Detroit, Mich. (2-1759, Form A-2)
United Wholesale Druggists of Boston, Inc., Wilmington, Del. (2-1761, Form A-1)
Bell Aircraft Corporation, Buffalo, N. Y. (2-1762, Form A-1)
International Carriers, Ltd., Jersey City, N. J. (2-1763, Form A-1)
Interstate Bond Company, Atlanta, Ga. (2-1765, Form A-2)
Gordon Baking Company, Detroit, Mich. (2-1766, Form A-2)
W. B. Jarvis Company, Grand Rapids, Mich. (2-1767, Form A-2)
Minnie Moore Mine Development Co., Wallace, Idaho. (2-1769, Form A-1)

SUES STATION FOR DEFAMATION OF CHARACTER

What is supposed to be the first case of its kind has come to the attention of NAB in a letter from Station KFJI, Klamath Falls, Ore. Because of its unusual character the letter is given in full as follows:

"About ten days ago this station, together with three other defendants, was sued for $75,000 by Mrs. John Irwin of this city for 'defamation of character.' We believe this is probably the first time that a damage suit of this type has been brought against a radio station, and thought perhaps the conditions leading up to it might be of interest to the Association and its members.

"In May of this year, a murder trial was in progress in Klamath Falls, wherein one, Marion Meyerle, was being tried for the murder of Lawrence Lister. The trial had created a great deal of interest in the city and county, and during the course of the trial, KFJI maintained a reporter in the court room constantly and gave four news stories a day on the progress of the trial.

"One of the state's witnesses, Mrs. John Irwin, was the most damaging witness in the case, and her testimony, if the jury had believed it true, would have no doubt convicted the alleged murderess. During the cross examination of Mrs. Irwin, the defense attorney brought out her admission that she had been a user of narcotics for ten years. It was also very apparent from her actions on the witness stand that she was then possibly under the influence of drugs.

"All of the testimony, as given during the course of the trial, was broadcast in resumé form over the station, and when court recessed, just before the closing argument to the jury, the station asked permission of the district attorney, the defense attorney, and the presiding judge to place our microphone on the bench and broadcast the complete arguments to the jury as given by the state's attorney and the defense attorney.

"This permission was granted by the attorneys and the judge, and the miscrophone was installed and the entire arguments broadcast. In the argument given by the defense attorney, the statement was made relative to the testimony of Mrs. Irwin that she was a dope fiend and other defamatory remarks. Of course it was up to the defense attorney to discredit her testimony as much as possible and he did so in very strong language.

"Mrs. Irwin is now suing the defense attorney, David Vandenburg, the Circuit Judge, Hon. E. B. Ashurst, George Kincaid, Manager of KFJI, and KFJI Broadcasters, Inc., in the sum of $75,000 for alleged 'defamation of character'."

RECOMMENDATIONS ON IOWA AND NEBRASKA STATIONS

Broadcasting Station KMA, Shenandoah, Iowa, applied to the Federal Communications Commission for unlimited time on its present frequency of 930 kilocycles, requesting the facilities of KGBZ, York, Nebr., with which it now shares time; KGBZ asked for license renewal; KGBZ, also operating on 930 kilocycles, sharing time with KMA, asked for full time, requesting the facilities of KMA, while KMA also asked for license renewal.

Examiner George H. Hill, in Report No. I-136, recommends that the application of KMA for both license renewal and facilities of KGBZ be granted and that the application of the latter station for both license renewal and modification be denied. The Examiner states that the application of KMA would serve the public interest but that "the showing with respect to the financial condition of the applicant, KGBZ Broadcasting Company, is unsatisfactory." In this latter connection the Examiner further states that "there are several suits pending against Dr. George R. Miller and the applicant KGBZ Broadcasting Company."

RECOMMENDS FREQUENCY CHANGE FOR KGHL

Several broadcasting stations applied to the Federal Communications Commission to have their frequencies changed to 780 kilocycles. Among these were KDFN, Casper, Wyo., from 1440 to 780 kilocycles; KGHL, Billings, Mont., from 950 to 780 kilocycles; KSOO, Sioux Falls, S. D., from 1100 to 780 kilocycles; KXL, Portland, Ore., from 1420 to 780 kilocycles; and KEHE, Los Angeles, Cal., now operating on 780 kilocycles and sharing time with KELW, asking that it be granted the facilities of that station.

Examiner P. W. Seward, in Report No. I-139, recommended that the application of Station KGHL be granted and that all of the other applications be denied.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2624. Alleging unfair competition in the sale of men's ready-made clothing, a complaint has been issued against **Carlo Van Myers, of New York City,** trading also as **North American Clothes Co., National Brand Clothes Co., Sartorial Art Clothes Co.,** and **Society Bond Clothes Co.**

Among representations alleged in the complaint are assertions that the clothing offered for sale is all wool, or a fine quality;

that it will be made-to-measure, or tailor-made; that two garments are offered for the price of one; that extra trousers will be furnished without extra charge, and other representations.

No. 2625. A complaint has been issued against **Richard B. Yancey** and **Mrs. E. Y. Councill, of Salisbury, N. C.,** alleging unfair competition in the sale of chinaware, earthenware and other pottery. The respondents are said to have traded under the names of **International China Company** and **Baker Pottery Company.**

In their business as jobbers, the respondents, according to the complaint, have sold products made for them by manufacturers in Tennessee, Ohio and Virginia, through the agency of traveling salesmen. These salesmen are alleged to have represented that the products in each assortment were of one design and grade, and that the quality and marking of chinaware was the same as indicated by the sample or picture shown the customer; that the fine quality samples shown customers had been made for a china store and that a few sets only had been left over and were being offered as "deals"; that the goods offered were marked as "odds and ends" only because it was necessary to obtain reduced freight rates, and that the use of the words "odds and ends" had no other significance.

No. 2626. False and misleading advertisements in the sale of cosmetics is alleged in a complaint issued against **E. S. Bergholt, of Cincinnati,** trading as **Marilyn Louise Cosmetics.**

Among false and misleading representations alleged, are the following: That it is impossible to purchase cosmetics of the same high quality as the respondent offers for sale because "they simply aren't sold or even manufactured," and that the respondent's sales plan is one "whereby your agents pour gold into your pockets simply by giving free facials to their friends and relatives."

No. 2627. Tissue Brands, Inc., of New York City, manufacturer of medicated cleansing tissue, is charged with unfair methods of competition in a complaint. **Albert H. Arnstein** and **Belmont Corn,** who operate the business, are also named respondents.

Selling in interstate commerce a product named "Sankerchief", made from paper and impregnated with various medicaments commonly used in treating colds, the respondents advertised their product as "A handkerchief that relieves colds because it is mentholated." It was also advertised as affording instant relief to sufferers from colds or hay fever.

No. 2628. Dallas E. Winslow, Inc., of Detroit, trading as **Durant Motor Car Company,** has been served with a complaint charging unfair competition in the sale of parts and accessories.

Use of the trade name **"Durant Motor Car Company"** has a tendency to deceive purchasers into believing that the respondent is the Durant Motor Company or its successor, according to the complaint. The court decree of February 26, 1932, ordering the sale of the Durant Motor Company's assets, did not authorize the receiver to convey to the purchaser thereof the good-will or name of the Durant Motor Company, nor did the bill of sale executed by the receiver convey such good-will or right to use the name.

No. 2629. Alleging unfair competition in the sale of cosmetics and toilet articles through use of a prize puzzle scheme, a complaint has been issued against the **Sterling Company, of Des Moines, Iowa, Don Parmelee,** its president, and **Paul H. Williams** and **Sibley F. Everett,** who, with Parmelee, own and control the company.

Through the medium of a so-called Sterling Prize Club, of which Parmelee is manager, the respondents have sold their products, according to the complaint, presenting its scheme and its prize contests to the public through advertisements in newspapers, trade journals, house organs and particularly in leaflets and sheets of paper made to resemble newspapers. The respondents are also said to have employed radio broadcasting.

No. 2630. Misrepresentation of its own and disparagement of competitors' products are alleged in a complaint against **Clopay Corporation, of Cincinnati,** manufacturer of oiled cellulose pulp-backed or paper-backed products designated "Fabray", and consisting of shelving, window shades, table covers, as well as "Fabray" in rolls.

Competing with manufacturers of oilcloth and cloth window shades, the respondent company is alleged to have advertised "Fabray" as "the fiber-backed oilcloth," and that "in numerous exacting laboratory tests, Fabray revealed wearing qualities as great or greater than ordinary oilcloth," and was "wash-proof," "fray-proof" and "crack-proof."

No. 2631. Improper use of the word "university," constituting unfair competition, is alleged in a complaint against **Jefferson Educational Company,** trading as **Boyd Business University, Washington, D. C.**

This school is not a university, and the respondent does not conduct an educational institution, or extension thereof, organized for teaching and study in the higher branches of learning, nor has it authority to confer degrees in such branches, the complaint alleges.

No. 2632. The **Cummer Products Company, of Bedford, Ohio,** has been served with a complaint charging unfair competition in the sale of its cleaning fluid, "Energine."

The complaint says this cleaning fluid was and is represented as leaving no odor, mark or stain, and as a perfect dry cleaner. The complaint alleges that in fact the use of "Energine" on fabrics dyed with certain kinds of dyes, such as non-fast or fugitive dyes, does affect the colors by causing them to "bleed" or "run," and also produces and leaves a ring, spot or mark, and that the fabrics are injured by the use of the product.

No. 2633. Alleging misrepresentation in the sale of coin vending machines, a complaint has been issued against **Roy Stringer Company, Ltd.,** of 621 North Noble Street, **Indianapolis,** a dealer.

Among unfair practices charged are the use of false and misleading advertising and a fraudulent sales plan. Contracts or orders entered into with purchasers under this plan are, according to the complaint, in such vague and ambiguous language that a legal interpretation would reveal no contractual obligations on the part of the respondent.

No. 2634. A complaint has been issued against **Kienzler Distilling Corporation, of New York City,** alleging unfair competition through representation of a wholesaler and rectifier of liquor as a distiller.

Use by the respondent company of the word "Distilling" in its corporate name and in other ways, had a tendency to deceive dealers and the purchasing public into believing the respondent to be a distiller, manufacturing or distilling spirituous beverages, when in fact it was not a distiller, according to the complaint.

No. 2635. Misuse of the term "mills" is alleged as an unfair method of competition in a complaint issued against **Max Kipperman** and **Samuel Orenstein,** of 36 West 32nd Street, **New York City,** trading as **Samac Knitting Mills.**

The complaint says that in addition to using the words "Knitting Mills" in their trade name, when the firm is engaged only in the jobbing of goods, the respondents print on letterheads and invoices the words "Manufacturers of Sweaters and Knit Goods." The complaint points out that the respondents do not knit or manufacture the products they sell, and do not own or control a factory in which such goods are knitted or manufactured, but fill orders with material knitted or manufactured in mills which they do not own.

No. 2636. Improper use of the word "chamois" in the sale of leather products is alleged in a complaint against **Joseph H. Seld, of Gloversville, N. Y.,** trading as **Seld Leather Company.**

The respondent is alleged to have described certain products as "Pigskin Chamois," "Chamois, Rose Brand," and by other names, when in fact, according to the complaint, the products were not the skin of the chamois antelope or the oil-tanned skin of the sheep, but were articles manufactured from pigskin, peccary, carpincho, and skins other than oil-tanned sheepskin or the chamois antelope. The complaint says they have the general appearance but not the peculiar qualities or properties of articles known to the public and trade and properly designated as chamois.

Stipulations

The Commission has announced the following cease and desist orders:

No. 0961. Columbian Correspondence College, Washington, D. C., selling courses for civil service examinations for government positions, agrees to stop making various representations in the sale of its courses. Among these is the assertion that a representative of this correspondence school was called by the Federal Trade Commission as an expert witness because his advertising complied with all the requirements of high class publicity, and that the business conducted by the respondent has a capital of $100,000 or any other amount in excess of the reasonable value of its capital invested. Among other representations to be discontinued is the assertion that one or more former students of this school will usually be found in any government office or railway mail car. The respondent also agrees to stop publishing in its catalogs, or otherwise, purported information regarding civil service examinations which have been discontinued by the Civil Service Commission.

No. 0962. National College of Massage and Physio-Therapy, Inc., Chicago, Ill., agrees to cease advertising that "some of the results obtained by electro-therapy border on the miraculous," and that "rachitic children, given up to die, have developed into normal human beings through its effectiveness." The respondent also agrees to stop advertising that electro-therapy forces paralysis to yield; is a competent remedy in the treatment of rectal, kidney, heart, or certain other ailments, and that massage, either Swedish or otherwise, is a competent remedy in the treatment of tuberculosis, chronic appendicitis and St. Vitus Dance.

No. 0963. The 5000 Company, Rockford, Ill., selling a graphite lubricant called "Clauson's 5000," agrees to cease representing that scores of men are accepting the sales opportunity offered by the respondent and are turning it into cash, and that prospective agents or dealers can or will earn any definite amount the first day, and other similar representations.

No. 0964. Karnack Ambrosia Company, Scranton, Pa., selling a medicine called "Lekotoria," agrees to stop representing it as the most beneficial medicine for "many common ailments" and as a competent treatment or effective remedy for a list of twenty-five diseases including stomach trouble, liver trouble, asthma, pneumonia and others.

No. 0965. Partole Products Co., Chicago, Ill., selling "Partoherb," stipulates that it will stop advertising the product as "world famous" and as "being used by millions of homes where it has brought health and happiness." This last assertion is to be discontinued until the respondent shall furnish proof that the preparation is actually used in millions of homes. Other representations of the powers of "Partoherb" will be discontinued, according to the stipulation.

No. 0966. Pine Brothers, Inc., Philadelphia, selling "Pine Brothers' Glycerine Tablets" and "Orasol," agrees to cease advertising that the glycerine tablets will stop coughing instantly, and are the oldest, quickest and surest relief for coughs, colds and throat infections. The company also agrees to stop representing that Orasol is an antiseptic and is more active and effective than any other mouth wash, breath purifier, cough drop or gargle.

No. 0967. George D. Arnold, of Chicago, trading as Admiral Arnold and as Lona Publishing Company, and selling astrological guides, horoscopes and character analyses, will discontinue alleging that by use of its astrological guide a person may find the information he has been seeking, or that in the astrological guide the science of astrology has been brought to a point where it may be used in everyday life. Other similar representations, such as that the astrological guide will tell one whom to marry, when to marry, when to seek employment, and what, when or how to do anything, will be abandoned.

No. 0968. Health Products Corporation, of Newark, N. J., engaged in selling "'Feen-A-Mint," called "The Chewing Gum Laxative," agrees to cease and desist from representing that "Feen-A-Mint" is the only thing that will relieve constipation troubles satisfactorily, and that it is the most scientifically modern way to get rid of constipation and headaches.

No. 0969. The Wyeth Chemical Company, of New York City, selling "Jad Salts" as a fat reducer or treatment for obesity, agrees no longer to advertise that this preparation will melt fat away and cleanse the system, keeping it clear of waste matter, toxins and depleting poisons. Other assertions in advertising concerning the powers of Jad Salts will also be discontinued under the stipulation.

No. 0970. Pro-Ker Laboratories, Inc., New York City, engaged in selling a treatment for the hair called "Pro-Ker," will stop representing that the preparation is a competent treatment for baldness or any other hair troubles, and that it will replace falling hair or retain the amount of hair on the head at the time the use of the product is begun. It will no longer be advertised that this product makes the scalp vital, healthy, or strong, and creates the perfect hair-growing condition.

No. 0971. New Era Library, Inc., of Racine, Wis., selling a set of books on educational subjects, agrees to cease advertising that these books afford one a chance to get the cultural or practical value of a high school education, or that they provide a short cut to high school or college education, and other representations of like character.

No. 0972. The Musterole Company, of Cleveland, agrees to cease and desist from asserting that its product, "Musterole," will penetrate to the seat of trouble, and prevent chest colds or croupy coughs from becoming serious, or that there is no muscular pain, sore throat or cold too severe for Musterole. It will be no longer advertised that Musterole will ease or relieve any condition within any definite period of time.

No. 0973. Jergens-Woodbury Sales Corporation, Cincinnati, selling facial cream, agrees to cease representing that its products constitute a new or unique protection from the danger of blemishes, or that they will give the skin the care that makes beauty safe, or change aging dryness to "supple youth."

It will no longer be alleged by this respondent that Element 576 brings directly to the skin vital energy, or such energy as vitamins in food bring to the body, or that Element 576 in Woodbury's Cold Cream causes the oil glands beneath the skin's outer surface to function better.

No. 1492. W. J. B. Mayor, trading as **Mayor Walnut-Oil Company, Kansas City, Mo.,** and engaged in the manufacture and sale of a hair dye called "Mayor's Walnut-Oil Dye," agrees to stop using the words "Walnut-Oil" as part of his trade name under which to carry on his business, or as a brand name for his product, or in advertisements.

Mayor also stipulates that he will cease employing exaggerated representations, improbable of accomplishment, in his advertising matter, and will cease asserting that the product contains walnut oil and is made from vegetables and oils. He agrees to stop advertising that his product does not conflict with the Pure Food and Drug Act of June 30, 1906, when, according to the stipulation, this is not true.

No. 1493. Todd Fruit Company, Inc., Miami, Fla., selling citrus and other fruits, including boxed and candied fruits, will no longer advertise its product as Indian River products or as being produced or grown in the Indian River region, when this is not true. The respondent agrees also to cease using in advertisements, pictorial representations indicating that boxes or cartons contain more fruit than has actually been packed, and from alleging that its baskets of crystallized fruits contain a quantity substantially more than the actual contents thereof.

The stipulation points out that the term "Indian River," when used to describe the origin of citrus fruits, refers to a territory on the east coast of Florida, along the Indian River. Citrus fruits grown in that section have long enjoyed a reputation for fine quality, and the growers have acquired a valuable goodwill in the term "Indian River" as applied to such fruits.

No. 1494. The Larkin Manufacturing Company, Dayton, Ohio, selling fire protection equipment, agrees to stop using the word "Cooper" in its catalogues, on billheads or otherwise, to describe any fire hose mending device not manufactured by James Cooper or his successors, Cooper Hose Jacket Company, of Los Angeles.

No. 1495. Edward A. Zibell, trading as **Kooper Chemical Company, New York City,** manufacturing and selling a cleaning fluid called "Must-Kleen," agrees to forego representing that the fluid is "invaluable for the removal of stains" from fabrics, or that it "has no injurious effect on the most delicate material," and to cease using any other representations which imply that the product will remove stains of whatever kind from fabrics, or that the colors of fabrics or materials dyed with non-fast or fugitive dyes will not be harmed by application of this preparation, when, according to the stipulation, this is not true.

No. 1496. Nassour Brothers, Inc., Ltd., Los Angeles, Calif., manufacturing and selling toilet soaps, agrees to discontinue use of the word "Imported" in the sale of its products, in a manner implying that these goods have been imported into the United States from a foreign country, when this is not true; and from employing the words "Olive Oil" to designate preparations the fatty content of which is not composed wholly of olive oil.

No. 1497. The Warren Featherbone Company, Three Oaks, Mich., will no longer employ the words "Silk," "Silk Taffeta," "Satin," "Taffeta" or "Pure Dye" to describe articles not made wholly of silk, the product of the cocoon of the silk worm, according to its stipulations. Provision is made that if any of the articles are composed in substantial part of silk, the foregoing words, if used to describe them, shall be accompanied by other words in equally conspicuous type, representing that the articles contain a product other than silk. This company manufactures a stiffening material called "Featherbone" for use in making women's dresses, and also makes neckwear, frilling ribbons, binding and other accessories used in the women's clothing industry.

No. 2563. The **Pyrene Manufacturing Company, of Newark, N. J.,** has been ordered to cease and desist, in the sale of its Pyrene safety cleaner, from making representations to the effect that this preparation will remove grease spots from all materials to which it is applied, without injury to color or fabric.

The order also prohibits the respondent from using the phrase "no injury to fabric or color," or any other representation of equivalent meaning so as to imply that the fluid may be used on materials or fabrics dyed with non-fast or fugitive colors, without impairing or injuring the colors.

No. 2585. Alfred Mendell, of 8611 101st Avenue, **Ozone Park, New York,** has been ordered to cease and desist from representing that the brand of candy sold by him and designated as "Fruit Pops" is 100 per cent pure, until and unless it is made entirely of ingredients all of which are 100 per cent pure.

Mendell is also ordered to stop designating candies not 100 per cent pure, but synthetically colored and flavored, as "Fruit Pops," until and unless the designation is followed conspicuously with the statement that the candies are artificially colored and artificially flavored.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Wednesday, December 4

ORAL ARGUMENTS BEFORE THE BROADCAST DIVISION

Commissioner Brown's Report:

KFBI—The Farmers & Bankers Life Insurance Co., Abilene, Kans. —Renewal of license, **1050 kc.,** 5 KW, limited time.

Examiner's Report No. I-85:

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—C. P., **1390 kc.,** 1 KW, 7:30 to 9 a. m., 11 a. m. to 2 p. m., 3:30 to 5 p. m.; Sunday, 1 p. m. to 2 p. m. Present assignment: **1370 kc.,** 100 watts, specified hours.

Examiner's Report No. I-100:

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—C. P., **1500 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-97:

NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—The Hartford Times, Inc., John F. Rolfe, Treas., Hartford, Conn.—C. P., **1200 kc.,** 100 watts, unlimited time.

Examiner's Report No. I-93:

NEW—Quincy A. Brackett, Lewis B. Breed, and Edmund A. Lapart, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—C. P., **1140 kc.,** 500 watts, limited time.

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Springfield Newspapers, Inc., Springfield, Mo.—C. P., **710 kc.,** 1 KW, daytime.

Friday, December 6

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—C. P., **1200 kc.,** 100 watts, daytime.

APPLICATIONS GRANTED

WNAX—The House of Gurney, Inc.. Yankton, S. Dak.—Granted consent to voluntary assignment of license to WNAX Broadcasting Co.

KCRJ—Charles C. Robinson, Jerome, Ark.—Granted renewal of license on a temporary basis for a period of 60 days.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted renewal of license on a temporary basis and application for renewal set for hearing.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Granted amended C. P. for new station, **1310 kc.,** 100 watts, daytime. Site to be determined subject to approval of Commission.

KCMC—North Miss. Broadcasting Corp., Texarkana, Ark.—Granted renewal of license for the regular period.

KLPM—John B. Cooley, Minot, N. Dak.—Granted renewal of license on a temporary basis for a period of 30 days.

WSAJ—Grove City College, Grove City, Pa.—Granted renewal of license on a temporary basis for a period of 30 days.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted extension of present license for a period of 60 days.

WJBW—Charles C. Carlson, New Orleans, La.—Granted extension of present license for a period of 60 days.

KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted renewal of license for the regular period.

KIGA—National Battery Broadcasting Co., Portable-Mobile.—Granted modification of license to change frequencies to **1622, 2060, 2150, 2790 kc.**

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the regular period.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted renewal of special experimental authority to operate with 500 watts additional power from October 1, 1935, to April 1, 1936; **610 kc.,** unlimited time.

NEW—Nichols & Warinner, Inc., Portable-Mobile (Long Beach, Calif.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 30 watts.

SET FOR HEARING

NEW—Ventura County Star, Inc., Merced Star Pub. Co., Inc., Ventura, Calif.—Application for C. P. for new station, **1170 kc.,** 250 watts, daytime.

NEW—New England Radio Corp., Bridgeport, Conn.—Application for C. P. for new station, **1370 kc.,** 100 watts, daytime. Site to be determined subject to Commission approval.

NEW—Northern Commercial Co., Fairbanks, Alaska.—Application for C. P. for new station, **550 kc.,** 250 watts, unlimited time. Site to be determined subject to Commission approval.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—Application for C. P. for new station, **1420 kc.,** 100 watts, unlimited time. Site to be determined subject to Commission approval.

NEW—Mason City Globe Gazette Co., Mason City, Iowa.—Application for C. P. for new station, **1210 kc.,** 100 watts, unlimited time.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of license to increase day power from 500 watts to 1 KW.

KFJM—University of North Dakota, Grand Forks, N. Dak.—C. P. amended to read: Make changes in antenna and equipment; change frequency from **1370 kc.** to **1410 kc.;** increase power from 100 watts to 1 KW night and day.

KUJ—KUJ, Inc., Walla Walla, Wash.—C. P. amended to read: Move transmitter to site to be determined subject to Commission's approval; install new equipment, antenna to be determined; change frequency from **1370 kc.** to **1250 kc.;** increase power from 100 watts to 1 KW.

WEAN—The Shepard Broadcasting Service, Providence, R. I.—C. P., already in hearing docket, amended to read: Exact transmitter site, Seekonk, Bristol County, Mass.; install new equipment and directional antenna; increase power from 500 watts to 1 KW.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFXD, Nampa, Idaho; KFXJ, Grand Junction, Colo.; KFXM, San Bernardino, Calif.; KGFJ, Los Angeles, Calif.; KIEM, Eureka, Calif.; KIT, Yakima, Wash.; KMED, Medford, Ore.; KWTN, Watertown, S. Dak.; WIBX, Utica, N. Y.; WMFF, Plattsburg, N. Y.; WSGN, Birmingham, Ala.; KCRC, Enid, Okla.

The following stations were granted renewals on a temporary basis only, subject to whatever action may be taken by the Commission upon the renewal applications of stations now pending before it:

KFPL, Dublin, Tex.; KGDE, Fergus Falls, Minn.; KVOS, Bellingham, Wash.; KWEA, Shreveport, La.; WEDC, Chicago, Ill.; WOCL, Jamestown, N. Y.; WRBL, Columbus, Ga.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind. —Granted renewal of license on a temporary basis only to conform to Commission's action of November 12, 1935, with reference to this station's application for renewal.

KILU—Arkansas Radio & Equipment Co., Portable.—Extended present license of broadcast pickup station in temporary service for a period of 1 month from December 1, 1935, upon a temporary basis only, subject to such action as may be taken upon pending application for renewal.

WLEZ—The Norfolk Daily News, Portable.—Extended present license of broadcast pickup station in temporary service for a period of 1 month from December 1, 1935, upon a temporary basis only, subject to such action as may be taken upon pending application for renewal.

The licenses of the following stations were extended upon a temporary basis only to January 1, 1936, pending receipt and action on renewal applications:

KGHI, Little Rock, Ark.; KROW, Oakland, Calif.; WBAX, Wilkes-Barre, Pa.; WJEJ, Hagerstown, Md.; KGVO, Missoula, Mont.; WAML, Laurel, Miss.; WEST, Lancaster, Pa.; WIL, St. Louis, Mo.; WJIM, Lansing, Mich.; WSBC, Chicago; WSJS, Winston-Salem, N. C.

ACTION ON EXAMINERS' REPORTS

KALE—Ex. Rep. No. 1-62: KALE, Inc., Portland, Ore.—Denied modification of license to change frequency from **1300 kc.** to **1250 kc.**; change hours of operation from S.H. to unlimited; 500 watts. Examiner Bramhall sustained. Order effective January 14, 1936.

WMBC—Ex. Rep. No. 1-92: Michigan Broadcasting Co., Detroit, Mich.—Denied C. P. to make changes in equipment; change frequency from **1420 kc.** to **1300 kc.**; change power from 100 watts night, 250 watts day, to 500 watts; unlimited time. Examiner Geo. H. Hill sustained.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted modification of license to change frequency from **1410 kc.** to **1300 kc.**, change power from 500 watts to 250 watts, and change hours of operation from sharing with WROK to unlimited, sustaining Examiner Hill. Order effective January 21, 1936.

WOCL—Ex. Rep. No. 1-122: A. E. Newton, Jamestown, N. Y.—Granted renewal of license, **1210 kc.**, 50 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective January 21, 1936.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. No. 1-123: Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted oral argument to be held February 13, 1936.

NEW—Ex. Rep. No. 1-125: National Television Corp., New York City.—Granted oral argument to be held December 19, 1935.

MISCELLANEOUS

Utah Radio Educational Society, Salt Lake City, Utah, and all other parties involved in Ex. Rep. No. 1-126—Granted until December 5, 1935, to file exceptions to Ex. Rep. No. 1-126.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted modified C. P. specifying recent authorization was for an auxiliary transmitter to be used only in case of failure of main transmitter.

KVOS—KVOS, Inc., Bellingham, Wash.—Denied request that Commission reconsider action in setting renewal application for hearing and grant same without hearing.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted request for postponement until December 16, 1935, of proceedings regarding application of WJJD for authorization for removal of transmitter.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Hearing on protest against removal of station from Wichita Falls to Fort Worth, Tex., scheduled for December 19, 1935, postponed until some time during January, 1936. Granted petition of Chamber of Commerce of several cities and towns and others that hearing be held in Wichita Falls, Tex.

NEW—Utah Radio Educational Society, Salt Lake City, Utah.—Denied petition asking Commission to vacate order of October 22, 1935, granting KIEM, Eureka, Calif., authority to operate on **1450 kc.**, 500 watts, unlimited time.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Sent to closed files protest charging station violated Sec. 326 of Communications Act in sponsoring an obscene broadcast.

NEW—James H. Braffett, Price, Utah.—Granted permission to submit proof that he mailed appearances and statement of facts in due time. Failure of that data to reach the Commission within specified time resulted in default order. Applicant now seeks reinstatement of application for new station at Price, Utah.

APPLICATIONS RECEIVED

First Zone

WEAN—The Shepard Broadcasting Service, Inc., Providence, R. I.
780 —Construction permit to install new equipment; increase power from 500 watts to 1 KW; and move transmitter from Biltmore Hotel, Washington St. and Exchange Place, Providence, R. I., to site to be determined, Providence, R. I. Amended to install directional antenna and for approval of transmitter site at Seekonk, Bristol County, Mass.

WBEN—WBEN, Inc., Buffalo, N. Y.—Construction permit to
900 install a new transmitter; increase power from 1 KW to 5 KW; and move transmitter from Shawnee Road, near Martinsville, N. Y., to Hotel Statler, Buffalo, N. Y. Amended to omit request for change in transmitter site and request for 5 KW power night.

WELI—Patrick J. Goode, New Haven, Conn.—Modification of
930 license to change hours of operation from daytime to unlimited, requesting 500 watts power day and night, and change frequency from **900 kc.** to **930 kc.**

WMFF—Plattsburgh Broadcasting Corp., Plattsburgh, N. Y.—
1310 License to cover construction permit (B1-P-514) to make changes in equipment, increase power, and move transmitter.

WPRP—Julio M. Conesa, Ponce, P. R.—Modification of construction
1420 permit (1-P-B-2940) for a new station, requesting extension of completion date from 12-18-35 to 1-18-36.

W10XAP—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit to cover the addition of a power amplifier and increase in power to 25 watts.

W10XAP—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 20 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.

W2XEI—Paul J. Gollhofer, Portable and Mobile.—Assignment of license from Paul J. Gollhofer to Metropolitan Broadcasting Corp.

NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.**, 1 KW.

Second Zone

WJR—WJR, The Goodwill Station, Detroit, Mich.—License to
750 cover construction permit authorizing use of 10 KW transmitter for auxiliary purposes.

Third Zone

WIS—Station WIS, Inc., Columbia, S. C.—Modification of con-
560 struction permit authorizing removal of transmitter, change in equipment, **560 kc.**, 1 KW night, 5 KW daytime, unlimited time, requesting extension of completion date to February 10, 1936.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special
680 experimental authorization to use W.E. 6-B transmitter as an auxiliary using 1 KW power during special experimental authorization to operate from local sunset until 8 p. m., PST, for period 2-1-36 to 8-1-36.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special
680 experimental authorization to operate from local sunset to 8 p. m., PST, on 1 KW power, from 2-1-36 to 8-1-36.

NEW—Albert E. Davis, Brownwood, Tex.—Construction permit
1200 for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1420 kc.**, omit request for night power, request daytime hours of operation instead of unlimited time, and make antenna changes.

NEW—The Herald Publishing Co., Denison, Tex.—Construction
1200 permit for a new station to be operated on **1200 kc.**, 100 watts, daytime. Amended to change type of equipment, change hours of operation from daytime to unlimited, using 100 watts power; also change studio site.

NEW—Hunt Broadcasting Assn., Fred Horton, Pres., Greenville,
1200 Tex.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, daytime. Amended to make changes in equipment and antenna.

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.
1200 —License to cover construction permit (B3-P-507) to move transmitter and studio to Jonesboro, Ark.

NEW—Navarro Broadcasting Assn., J. C. West, Pres., Corsicana,
1310 Tex.—Construction permit for a new station to be operated on **1310 kc.**, 50 watts, daytime. Amended to change power from 50 watts to 100 watts and make changes in antenna.

WAML—Southland Radio Corp., Laurel, Miss.—Voluntary assign-
1310 ment of license to New Laurel Radio Station, Inc.

NEW—H. A. Hamilton, Asheville, N. C.—Construction permit for
1370 a new station to be operated on **1370 kc.,** 100 watts, daytime.

KRLH—Clarence Scharbauer, Midland, Tex.—Modification of con-
1420 struction permit (B3-P-675) for a new station on **1420 kc.,** 100 watts, daytime, for approval of transmitter site.

NEW—Douglas G. Boozer and Jack Richards, Brunswick Radio
1420 Broadcast Station, Brunswick, Ga.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, daytime. Amended to make changes in antenna.

KCMC—North Mississippi Broadcasting Corp., Texarkana, Ark.—
1420 Voluntary assignment of license from North Mississippi Broadcasting Corp. to KCMC, Inc.

NEW—The Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit for a new general experimental station to be operated on **31600, 38600, 35600, 41000 kc.,** 100 watts.

NEW—Memphis Commercial Appeal, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40300 kc.,** 5 watts.

NEW—The Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit for a new relay broadcasting station to be operated on **6040, 11830, 17760 kc.,** 100 watts. Amended to change application to general experimental service.

Fourth Zone

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Con-
1070 struction permit to make changes in vertical radiator and move transmitter locally.

KGDY—The Voice of South Dakota, Huron, S. Dak.—Modifica-
1340 tion of license to change hours of operation from daytime to unlimited time, using 250 watts power. Amended to make changes in antenna.

WKBV—KNOX Radio Corp., Richmond, Ind.—License to cover
1500 construction permit authorizing removal of transmitter and antenna changes.

Fifth Zone

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 Authority to determine operating power by direct measurement.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Author-
900 ity to determine operating power by direct measurement.

NEW—The Press Democrat, Santa Rosa, Calif.—Construction per-
1310 mit for a new station to be operated on **1310 kc.,** 250 watts, daytime. Amended to change name from Ernest L. Finley to The Press Democrat.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification
1430 of construction permit (B5-P-2837) as modified to move transmitter locally; increase power, install new equipment, further request changes in equipment; move transmitter from 1000 S. Hope Street to 31100 S. Cloverdale Avenue, Los Angeles, Calif.; and extend commencement and completion dates to 3-1-36 and 90 days thereafter.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS

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NAB BOARD MEETING

The Board of Directors of the National Association of Broadcasters will hold a meeting on the subject of ASCAP, Monday, December 9, in New York City.

FTC OFFERS STIPULATIONS

The Federal Trade Commission this week sent out to certain radio stations stipulations with reference to products of the following concerns:

Freedol Remedy Company
Clark Brothers Chewing Gum
Esbencot Laboratories
Vervena Company
Cleveland Regol
Litino Laboratories.

McNARY RESIGNS

Because of assumption of certain obligations not contemplated at the time he was granted a leave of absence, James C. McNary, Technical Director of the NAB, has tendered his resignation effective November 30. Mr. McNary will take over the business heretofore handled by T. A. M. Craven, newly appointed Chief Engineer of the Federal Communications Commission.

RECOMMENDS NEW KANSAS STATION

The Joplin Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Pittsburgh, Kans., to use 1200 kilocycles, 100 watts power and unlimited time on the air. Also the Pittsburgh Publishing Company asked to erect a new station at Pittsburgh, Kans., and the Wichita Broadcasting Company asked authority to erect a station at Wichita, Kans. Both of the two latter applications were for 1500 kilocycles, 1100 watts power and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-141 recommended that the application of the Pittsburgh Broadcasting Company be granted but that the other two applications be denied. The Examiner found that no interference would be caused by granting the application of the Pittsburgh Company, that there is need for additional service in that area and that the station would be handled by residents of Pittsburgh.

POWER INCREASE RECOMMENDED FOR WGST

Broadcasting Station WGST, Atlanta, Ga., operating full time on a frequency of 890, applied to the Federal Communications Commission to increase its power from 500 watts nighttime and 1,000 watts to local sunset to 1,000 watts all time.

Examiner P. W. Seward in Report No. I-145 recommended that the application be granted. He found that there is a substantial need in the area for additional radio service and that the interests of no existing station would be adversely affected by the granting of the application.

NOTES TO SALES STAFF

Broadcast advertising continues to promise a banner year, as witness the $70,626,000 gross time sales during the first ten months of 1935 as compared to $72,887,000 for the entire year of 1934. (See Table I, page 1107.)

The advertising efficacy of radio continues to cause it to show the greatest upswing from previous years of any major advertising medium. Whereas radio volume rose 21.3% during the first ten months of 1935, newspaper volume rose but 4.6% and magazine 6.4%. (See Comparison with Previous Years, page 1107, and Comparison with Other Media, page 1107.)

Live talent programs are still being bought in considerable quantity by national advertisers, while local advertisers are showing increasing interest in transcriptions. (See Non-network Advertising by Type of Rendition, page 1108.)

The marked growth of automotive advertising—national non-network volume rose over six-fold as compared with October 1934—is indicative that radio can sell high-priced commodities as well as convenience goods. (See Comparison with 1934, page 1108.)

The continued growth of regional network advertising, the rise of national non-network drug, cosmetic, food and tobacco volume and the increase in local household equipment and clothing advertising are among developments worthy of note. (See Details as to Sponsor Trends, page 1108.)

NEW SOUTH DAKOTA STATION RECOMMENDED

The Black Hills Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Rapid City, S. D., to use 1370 kilocycles, 100 watts power and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-142 recommended that the application be granted on condition "that the applicant install a suitable antenna, and that the same be painted and/or illuminated in accordance with Section 303, Paragraph (q) of the Communications Act of 1934, and on a site which complies with the recommendations of the Engineering Department of the Commission." The Examiner found that there is need for additional radio service in the area proposed to be served.

FTC REVIEWS ADVERTISING

The Federal Trade Commission in its annual report, just made public, has considerable to say regarding radio, newspaper and magazine advertising. Because of its importance to members we give the full statement of the Commission as follows:

False and misleading advertising matter as published in newspapers and magazines and as broadcast over the radio is surveyed and studied by a special board set up by the Federal Trade Commission in 1929. This board, known as the Special Board of Investigation, consists of three Commission attorneys designated to represent the Commission at preliminary hearings and specialize in this type of cases.

Misrepresentation of commodities sold in interstate commerce is a type of unfair competition with which the Commission has dealt under authority of the Federal Trade Commission Act since its organization in 1915. By 1929 it had become evident that misrepresentation embodied in false and misleading advertising in the periodical field was of such volume that it should receive specialized attention from the Commission.

Since that time the Commission, through its special board, has examined the advertising columns of newspapers and magazines, noting misleading representations, and has received complaints of false and misleading advertising from competitors and consumers. Each instance has been carefully investigated, and where the facts have warranted, and informal procedure has not resulted in the prompt elimination of misleading claims and representations, formal procedure has been resorted to and the cases tried. While a number of orders have been issued requiring the respondents to cease and desist from advertising practices complained of, in a majority of cases the matters have been adjusted by means of the respondent signing a stipulation agreeing to abandon the unfair practices.

The Commission believes its work in this field has contributed toward the general improvement noticeable in the last few years in the character of newspaper, magazine, and radio advertising.

Newspaper and magazine advertising.—In its work of reviewing advertisements in current publications, the Commission, through its special board, has found it advisable to call for some periodicals on a continuous basis, due to the persistently questionable character of the advertisements published. However, as to publications generally, it is physically impossible to review, continuously, all advertisements of a doubtful nature; also, it is found unnecessary to review all the issues of publications of a high ethical standard where the publishers carefully censor all copy before acceptance.

With this situation in mind, the special board has found it of material value to procure periodicals in cognate groups as to type or class, volume of circulation, and character of field of distribution such as agricultural, fiction, information, movie fan, trade, sales promotion, and the like. Advertisements of similar character, purpose and appeal are thus assembled and reviewed to advantage in a related manner.

Between January 1 and June 30, 1935, magazines having a combined circulation of 27,220,061 copies were received. Up to June 30, 1935, a discerning preliminary scrutiny of 1,126 individual current advertisements had been performed, resulting in 284 being referred to the board members for special consideration as possibly false and misleading.

When the Commission receives complaints or notes the existence of apparently false and misleading representations in advertising, it initiates an investigation. A questionnaire is sent to the advertiser requesting samples of all advertising copy published or broadcast by radio during the year past, together with copies of all booklets, folders, circulars, form letters and other advertising literature, and, if practicable, a sample of the article advertised, and, if the article is a compound, the quantitative formula.

Upon receipt of the material, the sample, formula, and advertising claims and representations are submitted for medical or scientific opinion to such other Governmental agencies as the Public Health Service, Bureau of Standards, or Food and Drug Administration.

Upon receipt of such official opinions the Commission, through its special board, carefully examines all claims and representations, and makes such excerpts as appear to require justification or explanation. Copies of such excerpts and medical or other scientific opinions are then sent to the advertiser, and an opportunity given him to submit such evidence as he may desire to justify or explain the claims and representations scheduled.

If all such claims and representations are justified, the matter is closed without further procedure, and all the data filed for future reference, but if the claims or representations are not justified, the Commission may order the docketing of an application for complaint against the offending advertiser. The entire matter is then referred to the special board for negotiation of a stipulation wherein the advertiser agrees to cease and desist from making such claims and representations as are deemed misleading by the Commission. If such stipulation is executed by the advertiser and accepted by the Commission, the matter is closed, subject to reopening at any time by the Commission if occasion arises. If no stipulation is procured from the advertiser, the Commission institutes proceedings against the advertiser by the issuance of a formal complaint under the law.

In a large majority of cases, advertisers have entered into stipulations with the Commission to cease and desist from publishing the misleading statements. In only a relatively few cases do advertisers refuse to stipulate, making it necessary for formal complaints to be issued.

In many cases the advertiser immediately cancels all advertising complained about upon receipt of the first communication from the Commission, and does not advertise again until his matter has been adjudicated.

Radio advertising.—The Commission began its review of advertising copy broadcast over the radio at the beginning of the fiscal year 1934-35. At the outset the Commission, through its special board of investigation, made a survey of all commercial continuities, covering the broadcasts of all radio stations during July 1934. The volume of returns received and the character of the announcements indicated clearly that a satisfactory continuous scrutiny of current broadcasts could be maintained with a limited force and at small expense, by adopting a plan of grouping the stations for certain specific periods.

Consequently, starting in September 1934, calls have been issued to individual radio stations according to their location in the five radio zones established by the Federal Communications Commission. These returns cover specified 15-day periods.

National and regional networks, however, respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.

To complete the observation of radio advertising, the producers of electrical-transcription recordings submit regular weekly and monthly returns of typed copies of the commercial portions of all recordings manufactured by them for radio broadcasts. As the actual broadcast of a commercial recording is not always known to the manufacturer of the commodity being advertised, the Commission's knowledge of current transcription programs is supplemented by special reports from individual stations from time to time, listing the programs of recorded transcriptions with essential data as to the name of the advertiser and the article sponsored.

The combined material received from the individual stations for specified periods, from the weekly returns on regional and national network broadcasts, and from the special transcription reports, furnishes the Commission with representative and specific data on the character of radio advertising which has proven of great value in its efforts to curb false and misleading trade representations.

Up to June 30, 1935, 439,253 radio continuities had been received by the Commission. Of these a preliminary review had been completed on 376,539, resulting in 38,873 being referred, as possibly false and misleading, to the members of the board and their legal assistants for further consideration and possible action.

In all cases where false and misleading advertising is detected in radio broadcasts, the Commission is applying substantially the same procedure as is followed in cases of false and misleading advertising in newspapers, magazines, or other periodicals. This scrutiny of radio advertising is being conducted with a minimum of expense to the Government as well as to the industry because of the cooperation of members of the industry and the system of procedure developed.

In its examination of radio continuities, as well as of newspaper, magazine, and other periodical advertising, the Commission's sole purpose is to curb unlawful abuses of the freedom of expression guaranteed by the Constitution. It does not undertake to dictate what an advertiser shall say, but rather indicates what he may not say. Jurisdiction is limited to cases which have a public interest as distinguished from a mere private controversy, and which involve practices held to be unfair to competitors in interstate commerce.

Effective cooperation has obtained throughout the last year, as for many years, with other departments of the Government. Cases involving what appear to be fradulent schemes in violation of the postal laws are referred to the Post Office Department. Action by the Commission in such cases as are found to be under investigation by that Department is suspended pending the outcome of such proceedings. Valuable scientific opinions have been rendered by the Food and Drug Administration, Bureau of the Public Health Service, and the Bureau of Standards. Also analyses and comments regarding the therapeutic properties of various preparations have been furnished by the Food and Drug Administration. In a number of cases, Commission action against advertisers of medical preparations has been undertaken at the request of the Department of Agriculture.

TWO DEFAULT CASES

The Steel City Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Pittsburgh, Pa., to use 1420 kilocycles, 100 watts power and 250 watts LS with unlimited time on the air.

Also Station KFDM, Beaumont, Texas, applied to the Commission to increase its power from 500 watts night and 1,000 watts LS to 1,000 watts at all time.

Examiner Ralph L. Walker in Report No. I-140 recommeded that the application of the Steel City Company be denied "as in cases of default" for failure to attend the hearing and the Examiner made the same recommendation in Report No. I-144 in the case of Station KFDM for the same reason.

RECOMMENDS KID POWER INCREASE

Broadcasting Station KID, Idaho Falls, Ida., applied to the Federal Communications Commission to increase its power from 250 watts night and 500 watts day to 500 watts night and 1,000 watts daytime, and to move its transmitter locally.

Examiner Ralph L. Walker in Report No. I-143 recommended that the Commission grant the station authority to move its transmitter and to increase its daytime power but that the application be denied insofar as nighttime power is concerned. The Examiner found that there is need for additional daytime service in the area and that it would not cause interference. However, he states that nighttime increase would cause interference and also the nighttime facilities of the state of Idaho and the Fifth Zone are now over quota.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Lockhart Power Company, Lockhart, S. C. (2-1770, Form A-2)
Oil Run Purchase Corporation, Jersey City, N. J. (2-1773, Form A-1)
Tung Sol Lamp Works, Inc., Newark, N. J. (2-1774, Form A-2)
Bliss & Laughlin, Inc., Harvey, Ill. (2-1775, Form A-2)
Corporate Leaders of America, Inc., New York City (2-1777, Form C-1)
May-Spiers Gold Mines, Ltd., Toronto, Canada (2-1778, Form A-1)
Pennsylvania Glass Sand Corp., Lewiston, Pa. (2-1779, Form A-2)
Tri-States Natural Gas Corp., South River, N. J. (2-1780, Form A-1)
Brooklyn Negro Civic Corp., Brooklyn, N. Y. (2-1781, Form A-1)
The Byrndun Corporation, Brooklyn, N. Y. (2-1782, Form A-2)
State National Securities Corp., Indianapolis, Ind. (2-1783, Form D-1)
Jewelite Sales, Inc., Denver, Colo. (2-1784, Form A-1)
G. C. Murphy Company, McKeesport, Pa. (2-1785, Form A-2)
Penn-Jersey Water Company, Wilmington, Del. (2-1786, Form A-1)
Wendigo Gold Mines Ltd., Toronto, Canada (2-1787, Form A-1)

RECOMMENDATION AGAINST NEW PENNSYLVANIA STATION

William S. Thellman, filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at New Castle, Pa., to use 1420 kilocycles, 100 watts power, daytime operation.

Examiner Melvin H. Dalberg in Report No. I-146 recommended that the application be denied. He said that he did not believe "that the applicant is financially qualified to construct and operate the proposed station and there is obviously an insufficient showing that either the applicant or those with whom he would be associated are technically qualified by experience to warrant such operation."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2637. International Latex Corporation, of Rochester, New York, in a complaint is charged with unfair competition in the sale of products such as bathing caps, pad shields, crib sheets and tobacco pouches.

In advertising its products, the respondent company is said to have used the phrases: "Made of purest Latex (not rubber)," "They are made of purest Latex which looks like rubber but isn't," and "They prevent perspiration."

In truth and in fact, says the complaint, the products are composed of material consisting essentially of rubber hydrocarbon, and therefore are not properly designated as "not rubber". The complaint says the assertion regarding perspiration is misleading and deceptive.

No. 2638. Sheffield Silver Company, Inc., of Jersey City, N. J., is charged with unfair methods of competition in the sale of silver-plated hollow-ware, in a complaint.

Use of the word "Sheffield" in its corporate name, letterheads and invoices, has a tendency to deceive purchasers into buying the respondent company's products in the belief that its representations are true, and that its product is "Sheffield," according to the complaint.

No. 2639. Alleging unfair competition in the sale of a correspondence course on diet and health, a complaint has been issued against **George Henry Brinkler,** of 458 Ocean Drive, **Miami Beach, Florida,** who has operated his business under various trade names, such as **"Brinkler School of Eating," "Brinkler School of Food Science,"** and **"Brinkler School of Nutrition,"** and is said now to operate under the name, **"Brinkler Institute."**

Among representations alleged are that the correspondence course provides a competent treatment for all diseases, and that the method of diet outlined is an adequate treatment for any of thirty-six diseases listed, including indigestion, bronchitis, tuberculosis, hardening of the arteries, and others.

No. 2640. American White Cross Laboratories, Inc., of New Rochelle, N. Y., and **Cape Girardeau, Mo.,** has been served with a complaint charging unfair methods of competition in the sale of absorbent cotton. This company distributes its merchandise to chain and syndicate stores, retailers, drug stores, surgical supply companies, and hospitals in various states.

Labelling and advertising its products as "Sterilized Emergency Absorbent Cotton" and as "Best Hospital Quality Hygrade Absorbent Cotton," the respondent, according to the complaint, has not properly sterilized its absorbent cotton by scientific methods under the best sanitary conditions, and the product is not suitable for all surgical and household needs.

Stipulations

The Commission has announced the following cease and desist orders:

No. 0974. The Bisodol Company, New Haven, Conn., selling "Bisodol" for use in treating stomach ailments, agrees to stop advertising that this preparation is an effective remedy for indigestion, halitosis, and other ailments, unless these representations are limited to the relief of these troubles when due to gastric hyperacidity. The Bisodol Company also agrees to stop asserting that its preparation "will banish" or "correct" any discomfort of the stomach; that the preparation is a new discovery, and is totally different from anything else.

No. 0975. Chicago School of Nursing, Chicago, Ill., selling a correspondence course in nursing, agrees to abandon the representation that there are plenty of calls to keep C. S. N. nurses busy, and that its graduates "average $25.00 to $35.00 and more a week, in addition to their room, board and laundry." Other representations will also be discontinued, including certain assertions concerning the cost of the course.

No. 0976. Jacobs Pharmacy Company, Atlanta, Ga., dealing in skin and complexion preparations, will not advertise that use of its preparations will produce substantial benefit or improvement in one night's time, and will free the skin of pimples or blemishes, or work in any amazing way. The company also agrees to cease and desist from causing any advertising matter to be printed in a newspaper or magazine in such manner as to imply that it is a news article, and will stop designating its soap as "Skin Whitener" soap.

No. 0977. Giacomo LaGuardia, trading as Herba Medicinal Laboratory, New York City, and selling a tea and tonic as a remedy for stomach troubles, and a tea for treating rheumatism, and other medicinal products, agrees to stop advertising that LaGuardia's Herbs are competent treatment for a list of twenty-eight diseases, without regard to the underlying causes, including stomach acid, eczema, kidney trouble, and "any of the ailments concerning the digestive system." Other representations of the powers of the respondent's products will be discontinued.

No. 0978. R. B. Davis Company, Hoboken, N. J., engaged in selling the food preparation, "Cocomalt," will no longer represent that it contains all the vitamins, mineral nutrients, and calories; that it will increase or build up strength, energy, vitality and weight in all cases, and that the preparation contains all of the elements necessary to the growth of children.

No. 0979. Everbrite Products Company, Kansas City, Mo., agrees to stop advertising its oil burning heating stove as the first or most successful portable heater ever to burn ordinary oil or kerosene, or as the most economical or convenient heater made. This heater will no longer be advertised as being cheaper than wood, where wood is plentiful, and as having a flame twice as hot as wood or coal.

No. 0980. J. W. Elwood, trading as Northwestern School of Taxidermy, Omaha, Nebr., and selling a correspondence course in taxidermy, agrees to stop representing that the so-called diploma awarded to graduates is free; that it is impossible for students or graduates in this course to fail, and that the respondent guarantees to teach successfully every prospective student. The respondent agrees to cease and desist from awarding diplomas to purchasers of the course unless and until they are required to demonstrate their knowledge of taxidermy by passing appropriate examinations or meeting other adequate requirements. He also agrees to stop making unmodified claims as to the amounts students may expect to earn when such advertised amounts are in excess of the average actually earned by students under normal conditions.

No. 1498. Stephen Gargilis, of Boston, an individual trading under the name of S. Kandhi, and dealing in so-called astrological charts, readings and calculations, financial services based on astrological calculations, and lessons on occultism, agrees to stop representing that the study of the occult sciences as outlined in his prepared lessons, or otherwise, can or does bring riches to the students. Gargilis advertised the "Yogi Secrets," and that students would receive "some of the accumulated wisdom of four thousand years of the Famous Hindu Adepts."

No. 1500. Kramer-Brandeis, Inc., of New York City, distributors of mufflers, cravats and other articles of men's wear, agrees to cease marking or labeling its products as "silk" or "all silk," when in fact they are not made wholly of silk. The stipulation provides that if the products are weighted to an amount exceeding 15 per cent in black goods or exceeding 10 per cent in goods other than black, the word "silk," if used to describe the product, shall be accompanied by the word "weighted" in conspicuous type. This is to show that the articles are not composed entirely of silk, but are weighted with mineral salts or other weighting substance.

No. 1501. Nathan Schmukler, of New York City, trading as Duo-Enamel Company, dealing in paints and enamels, agrees to stop using the word "Duo" as part of his trade name or as part of a brand for his products, either independently or in connection with other words. Schmukler also agrees to stop employing any colorable imitation of the word "Nu" in a way which would tend to confuse buyers respecting the identity of his products and those of the Nu-Enamel Corporation, of Chicago, manufacturers of paints and enamels under the trade name of "Nu-Enamel."

Schmukler will also abandon use of the phrases, "One coat covers" and "No brush marks" on color cards or store fronts. These phrases have acquired a secondary meaning as applied to Nu-Enamel, according to the stipulations. Schmukler agrees to stop using colors and arrangements of products and colors in store fronts to simulate the arrangements characteristically used by the Nu-Enamel Corporation.

No. 1502. Samuel Aaron, of Washington, D. C., trading as District Working Men's Store, will discontinue causing his trade name to be listed in the Washington telephone directory under the classified heading of "Army and Navy Goods Business," and from using the words "Army and Navy Goods" in his advertisements, or in any way tending to deceive buyers into believing that the products he sells consist in substantial part of Army and Navy surplus products, when this is not true. The stipulation sets out that the stocks of surplus products held by the Army and Navy have for a long time been practically exhausted, except for certain damaged, worn out or salvaged goods.

No. 1503. Charles Eickle, Jr., of Henderson, Ky., trading as Valley Distilleries, agrees to abandon use of the word "Distilleries" as part of his trade name or otherwise, implying that he distills the liqours which he sells, or owns and operates the plant in which they are distilled. The sitpulation sets out that Eickle does not operate a distillery.

Eickle also agrees to cease using bottles or other containers of one full quart capacity or other standard size in a manner misleading purchasers into believing that each such bottle contains a full quart or other amount indicated by the standard size of the bottle, when in fact, according to the stipulation, each bottle contains an amount other than one full quart and other than the quantity indicated by the size of the bottle.

No. 1504. Furbish Process, Inc., of New York City, manufacturing a cleaning fluid called "X-L Magic Cleaning Fluid," agrees to desist from the use in advertising of the words "Excellent stain remover," implying that the fluid will remove stains of whatever kind from fabrics, when this is not true. The respondent company also agrees to abandon representations to the effect that the preparation will remove stains from fabrics "without injury to any, regardless of how delicate the fabric," tending to deceive purchasers into believing that the colors of fabrics dyed with non-fast or fugitive dyes will not be injured by application of this product, when this is not true.

No. 1505. U. S. Manufacturing Corporation, of Decatur, Ill., manufacturing and selling fly swatters, camping equipment and other merchandise, agrees to stop using the phrase "U. S. Fly Ribbon" independently or in connection with the corporate name "U. S. Manufacturing Corporation," or with the words "The U. S. Line," implying that the articles are made in the United States, when this is not true. Provision is made that the respondent shall cease and desist from the foregoing representations, unless, when the words "U. S. Fly Ribbon" are used as a trade name for the product, they be immediately accompanied with another suitable word in equally conspicuous type, indicating clearly that the articles are not manufactured in the United States.

No. 1506. Nostane Products Corporation, of Brooklyn, N. Y., manufacturing and selling a cleaning fluid under the name "Nostane," agrees to abandon the use of such phrases as "Positively removes stains without injury to fabrics," and "Leaves no ring."

No. 1507. Hickory Chair Manufacturing Company, of Hickory, N. C., will discontinue describing as mahogany, products not derived from trees of the mahogany family.

Nos. 2284 and 2285. A cease and desist order has been issued against the **American Army and Navy Stores, Inc.,** and **Army and Navy Trading Co.,** both of **Washington, D. C.,** prohibiting use of the phrase, "Army and Navy," in the corporate or trade name of a mercantile establishment.

Each respondent is ordered to discontinue employing in connection with its corporate name the words "Army and Navy," or either of them, and to discontinue advertising in circulars, trade journals, or other periodicals by means of the words "Army and Navy" as descriptive of merchandise to be offered for sale, unless the words "Army and Navy" be used specifically in connection with particular merchandise actually procured from the United States Army or Navy Departments.

No. 2566. Westphalia Manufacturing Company, Inc., and **Poly Chemical Laboratories, Inc., of Jersey City, N. J.,** have been ordered to cease and desist from improper representations in the sale of their cleaning fluid, called "Rid-O-Spot."

The respondents are directed to stop representing on labels affixed to the containers, or in advertisements, that "Rid-O-Spot," when used for cleaning purposes, leaves no rings, or that it removes all grease spots without injury to the most delicate fabric or color.

BROADCAST ADVERTISING IN OCTOBER

Developments of the Month

Broadcast advertising during October showed the usual seasonal upswing, following the conflicting tendencies exhibited during the preceding month. Gross time sales of the medium amounted to $8,394,898, an increase of 47.7% as compared to September. Gains were general throughout all portions of the medium.

Total broadcast advertising volume in October was 13.7% greater than during the corresponding month of 1934. The most marked increases continued to be experienced in the regional network and national non-network fields. Broadcast advertising continued to show the greatest improvement of any major advertising medium, trends among other media remaining spotty.

Non-network advertising in the New England-Middle Atlantic area showed some decline as compared to the previous October while clear channel and high-powered regional station non-network volume experienced less than the average gains. Both of these tendencies were the normal reflection of increased national network business.

Local transcription and live talent volume and national announcement business experienced the greatest gains during the month as compared to September. In the local field transcription volume showed the most marked growth as compared with October of last year, while live talent programs experienced important increase in the national field.

Broadcast advertising gains were general in all fields of sponsorship as compared with September. No declines of importance took place as compared with the preceding month. Automotive advertising, especially in the national non-network and local fields, showed particularly important increases as compared with the corresponding month of last year. National network gains were general for the most part. Regional network volume increased markedly in the clothing, drug, confectionery, soap, household equipment and tobacco fields. National non-network drug, cosmetic, food and tobacco advertising experienced important increases as did local household equipment volume. The marked growth of the miscellaneous group in the national network field is indicative of wider sponsorship with regard to that portion of the medium.

Total Broadcast Advertising

Broadcast advertising over stations and networks during October of the current year is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

	1935 Gross Time Sales		
Class of Business	*September*	*October*	*Cumulative Jan.-Oct.*
National networks	$3,337,018	$5,017,900	$40,589,467
Regional networks	81,108	132,748	854,850
National non-network	963,430	1,504,970	13,703,868
Local	1,288,300	1,739,280	15,477,955
Total	$5,669,856	$8,394,898	$70,626,140

Total broadcast advertising volume increased 47.7% as compared with the preceding month. National network volume rose 50.3%; regional network advertising, 63.6%; national non-network business, 55.2% and local broadcast advertising 34.9%. The smaller local increase is a normal condition, local advertising showing less seasonal fluctuation than do other types of broadcast advertising.

Comparison with Previous Years

Gains continued to be experienced as compared to the corresponding period of the two preceding years for which information is available. Total broadcast advertising was 13.7% greater than during October 1934, and 46.2% above the 1933 level for that month. Compared to last October national network volume experienced a rise of 10.8%; regional networks, 38.3%; national non-network business, 20.3%; and local broadcast advertising, 15.7%.

National network volume was 56.0% greater than during October two years ago. Compared to the corresponding month of 1933, October regional network volume increased more than fivefold; national non-network advertising, 41.0% and local broadcast advertising, 23.9%.

Broadcast advertising during the first ten months of the current year was 21.3% above the 1934 level for the corresponding period. National network volume showed a gain of 20.0%; regional networks, 56.0%; national non-network advertising, 24.5% and local business, 18.3%.

Comparison with Other Media

Advertising volume by major media is found in Table II.

TABLE II *

ADVERTISING BY MAJOR MEDIA

	1935 Gross Time and Space Sales		
Advertising Medium	*September*	*October*	*Cumulative Jan.-Oct.*
Radio broadcasting	$5,669,856	$8,394,898	$70,626,140
National magazine[1]	9,248,763	10,603,241	103,271,816
National farm papers	486,552	525,337	4,630,645
Newspapers[2]	41,998,000	48,650,000	419,578,000
Total	$57,403,171	$68,173,476	$598,106,601

National magazine volume rose 14.5% as compared with the preceding month. It was 3.3% less than during the corresponding period of 1934, though remaining 10.9% above the 1933 level.

National farm paper advertising rose 7.7% as against September. It exceeded the October 1934 level by 15.6%, and showed approximately the same gain over the same month of 1933.

Newspaper lineage rose 11.5% during the month, and reached a level 7.9% higher than during October 1934, and 5.7% above the same month of the year prior to that one. October department store lineage was 7.0% greater than during the same month of last year. Total display advertising showed a gain of 7.3%. Automotive advertising gained 45.9% and financial lineage 19.9%. General advertising declined 5.7% and retail volume rose 9.1%.

Magazine advertising for the first ten months of 1935 exceeded the previous year's level by 6.4%, national farm paper volume 5.7%, and newspaper lineage 4.6%.

Non-network Advertising

General non-network advertising increased 39.6% as compared to September, and reached a level of 17.7% above that of the corresponding month of 1934. Gains as compared with the previous month were as follows: Clear channel and high powered regional stations, 56.1%; regional stations, 46.5%; and local stations, 26.2%. Compared to October of last year, clear channel and regional station non-network volume rose 4.6%, regional station advertising 10.6%, and local station volume 58.8%. Local station advertising continued to show the most important rise as compared to the preceding year.

Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

	1935 Gross Time Sales		
Power of Station	*September*	*October*	*Cumulative Jan.-Oct.*
Over 1,000 watts	$858,350	$1,290,740	$13,319,055
250-1,000 watts	949,680	1,391,650	11,654,145
100 watts	443,700	561,860	4,208,713
Total	$2,251,730	$3,244,250	$29,181,913

Gains were fairly general throughout all portions of the country with regard to non-network advertising, with the South showing more than average increases. Non-network advertising in the New England-Middle Atlantic Area rose 48.4% as against September; South Atlantic-South Central volume, 84.6%; North Central advertising, 42.4%; and Mountain and Pacific non-network volume, 19.2%.

Compared to October 1934, non-network advertising in the New England-Middle Atlantic Area declined 22.1%. Southern non-network volume rose 60.0%, North Central advertising 37.8%, and Mountain and Pacific volume 13.7%.

Non-network broadcast advertising in various portions of the country is found in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1935 Gross Time Sales		
Geographical District	*September*	*October*	*Cumulative Jan.-Oct.*
New England-Middle Atlantic Area	$513,315	$750,110	$7,414,262
South Atlantic-South Central Area	331,530	611,120	4,614,218
North Central Area	913,340	1,295,300	11,214,607
Pacific and Mountain Area	493,545	587,720	5,938,826
Total	$2,251,730	$3,244,250	$29,181,913

Non-network Advertising by Type of Rendition

Gains were fairly general as compared to the preceding month in all types of rendition. Transcription volume was 19.1% greater than in October of last year. Live talent business rose 10.4%, records 94.0%, and announcements 27.5%. During the first ten months of the current year transcription business was 16.6% above the level of the corresponding months of 1934, live talent volume was greater by 22.4%, records by 77.0%, and announcements by 19.3%.

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[1] Publishers' Information Bureau.

[2] Estimated.

* Attention is called to a typographical error appearing in Table II of the report for third quarter of the current year (Volume 3, No. 52, p. 1027). Radio broadcasting for 1935 in this table should have been $17,155,350. The total therefore should be changed to $159,318,188.

In the national non-network field transcription and live talent business both rose slightly more than 50.0% as compared with September, while announcement volume increased 86.0%. The current month's increases followed a general decline during the preceding month. Transcription volume in the national field was 14.8% ahead of last October, live talent business 28.7%, and announcements 22.1%. Transcription volume has maintained an even rate of growth during recent months, while live talent, following a slight slowing up, is again forging ahead.

In the local field, increases as compared to the previous month were as follows: Transcriptions 33.0%, live talent 56.8%, records 7.1%, and announcements 16.2%. Gains as compared with the corresponding month of 1934 were as follows: Transcriptions 51.3%, live talent 2.0%, records more than double, and announcements 29.6%. Live talent programs showed a gain during the current month as against a decline from the 1934 level during September.

Broadcast advertising by type of rendition is found in Table V:

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

1935 Gross Time Sales

Type of Rendition	*National Non-network*		*Local*		*Total*		***Cumulative***
	September	*October*	*September*	*October*	*September*	*October*	*Jan.-Oct.*
Electrical transcriptions	$350,980	$524,660	$118,300	$156,960	$469,280	$681,620	$6,120,298
Live talent programs	454,740	696,900	559,625	877,760	1,014,365	1,574,660	13,937,530
Records	8,495	7,510	56,375	60,240	64,870	67,750	689,701
Announcements	149,215	275,900	554,000	644,320	703,215	920,220	8,434,384
Total	$963,430	$1,504,970	$1,288,300	$1,739,280	$2,251,730	$3,244,250	$29,181,913

Sponsor Trends in October

General gains were experienced in practically all fields as compared with the preceding month, Automotive advertising showed important increases, especially in the national non-network and local fields. National non-network volume rose 37.0% and local advertising 123.9%. Local and national non-network advertising increased by more than 50.0%. National network cosmetic and confectionery advertising more than doubled, as did regional network soap and kitchen supply volume and local radio set advertising. National network tobacco advertising more than doubled.

The only declines were the usual downswing in amusement volume, a decrease in local confectionery advertising and in national network financial advertising.

Comparison with 1934

General gains also were experienced as compared with October of the preceding year. Among the important increases were a sixfold rise in national non-network automotive volume and a 90.9% increase in local automobile advertising. In the national non-network field drug advertising rose 40.2% as against last October, cosmetic volume 65.3%, food advertising 41.5%, and tobacco advertising 52.4%. Local household equipment advertising experienced a gain of 53.8%, while clothing advertising rose 81.2%. National network miscellaneous volume rose 75.0%, indicating an increasing diversity of network sponsorship.

Regional network advertising grew markedly, especially with regard to advertising in the clothing, drug, confectionery, soap, household equipment and tobacco fields.

Principal declines occurred in the national network accessory field, with a decline of 40.9%; national network and local drug advertising, which dropped 10.3% and 7.4%, respectively; and national network and non-network confectionery advertising, each of which declined slightly more than 20.0%.

Details as to Sponsor Trends

Detailed data regarding radio broadcast advertising sponsorship is found in Table VI and in the following analysis:

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(October, 1935)

Gross Time Sales

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Non-network*	*Local*	*Total*
1a. Amusements	—	—	$3,400	$48,340	$51,740
1–2. Automobiles and accessories:					
(1) Automobiles	$667,171	—	204,520	103,100	974,791
(2) Accessories, gas and oils	387,014	$24,019	74,560	89,875	575,468
3. Clothing and apparel	38,077	5,160	39,640	298,750	381,627
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	512,315	13,958	344,370	66,740	937,383
(5) Toilet goods	911,629	—	77,130	18,560	1,007,319
6–8. Food products:					
(6) Foodstuffs	998,221	28,896	316,640	190,500	1,534,257
(7) Beverages	260,979	8,148	63,900	86,070	419,097
(8) Confections	133,429	5,640	15,580	4,500	159,149
9–10. Household goods:					
(9) Household equipment and furnishings	30,526	9,094	54,230	178,370	272,220
(10) Soap and kitchen supplies	258,867	10,849	44,640	10,370	324,726
11. Insurance and financial	33,550	464	16,830	56,170	107,014
12. Radios	123,607	—	30,855	26,725	181,187
13. Retail establishments	15,873 [1]	—	11,900	146,840	174,613
14. Tobacco products	373,451	15,972	24,830	6,080	420,333
15. Miscellaneous	273,191	10,548	181,945	408,290	873,974
Total	$5,017,900	$132,748	$1,504,970	$1,739,280	$8,394,898

[1] Mail order houses. This has recently become sufficiently important to merit classification in the department, general retail store group. The cumulative for the ten-month period over national networks is $37,817. There were no expenditures during the corresponding period of 1934.

1a. ***Amusements.*** National non-network 33.8% above September, and local down 27.9%. National non-network double last October, and local up 60.5%.

1. ***Automotive.*** Compared to preceding month, national network up 30.3%, national non-network 37.0%, and local 123.9%. National network 29.5% ahead of October 1934, national non-network 638.5% greater, and local 90.9%.

2. ***Gasoline and accessories.*** National network volume practically unchanged from September. Regional networks up 141.5%, national non-network 41.0%, and local 20.8%. National network volume 18.7% greater than last October, regional network volume unchanged, local up 7.0%, and local down 40.9%.

3. ***Clothing.*** National network volume down slightly from preceding month. Regional networks up 45.2%, national non-network 52.7%, and local 51.1%. Compared to October 1934, national network down 9.5%, regional network volume up 386.1%, national non-network business 47.1%, and local 81.2%.

4. ***Drugs and pharmaceuticals.*** National network volume 30.7% above September. Regional networks up 178.2%, national non-network 168.7%, and local 80.2%. National network volume down 10.3% as compared to October of last year, and local down 7.4%. Regional network advertising up tenfold and national non-network 40.2%.

5. ***Toilet goods.*** National network volume up 24.8% as against September, national non-network 104.5%, and local 6.7%. Compared to the corresponding month of last year, national network volume unchanged, regional network advertising the same, national non-network business up 65.3%, and local down 50.2%.

6. ***Foodstuffs.*** National network advertising 34.6% above last month, regional network advertising 59.8%, national non-network business 34.0%, and local advertising 11.3%. National and regional network volume each 12.5% above last October. National non-network business 41.5% greater, and local up 23.5%.

7. ***Beverages.*** National network business 16.4% above preceding month. Regional networks up sevenfold, national non-network 14.2%, and local 16.2%. National network advertising 3.5% greater than during October of previous year. Regional networks down 15.1%, national non-network up 36.9%, and local 29.3%.

8. ***Confectionery.*** National network volume 218.0% greater than during previous month. Regional network increase tenfold, national non-network 125.8%, and local down 25.3%. Decline as compared to corresponding month of 1934, 21.5% for national networks, and 28.9% for national non-network advertising. Regional volume up 95.9%. Local volume double.

9. ***Household equipment.*** General gains compared with September as follows: National networks 12.8%, regional networks 47.6%, national non-network 29.6%, and local 15.6%. Increases as against October 1934 as follows: National networks 17.0%, regional networks 300.9%, national non-network 15.7%, and local 53.8%.

10. ***Soaps and kitchen supplies.*** National network advertising 72.7% above preceding month, regional networks 216.3%, national non-network 8.4%, and local 393.8%. Compared to the corresponding month of last year, national network volume up 31.8%, regional networks up materially, local up 50.0%, and national non-network down 31.0%.

11. ***Insurance and financial.*** National networks down 20.1% as against September. Regional down slightly, national non-network up 37.3%, and local 23.8%. Local 41.9% above last October. National network down 41.6%, and local down 41.9%.

12. ***Radios.*** National network volume 83.7% above preceding month. National non-network up 24.4%, and local 106.2%. Gains compared to previous October as follows: National networks, 22.7%, national non-network 356.5%, and local 21.1%.

13. ***Department and general stores.*** Mail order advertising over national networks $15,873 during month. National non-network volume up 53.3%, and local up 18.5%. National non-network volume 329.0% above last October, and local up 13.6%. Department store volume 20.2% above same month of 1934.

14. ***Tobacco products.*** National network volume 102.7% above September, regional networks up 38.9%, national non-network business 7.2%, and local up 23.6%. Compared October 1934, national network volume gained 18.2%, regional networks up 836.0%, national non-network business up 52.4%, local unchanged.

15. ***Miscellaneous.*** Increases as against previous month as follows: National networks 89.6%, regional networks 63.3%, national non-network 71.4%, and local 44.1%. Compared to last October, increases as follows: National networks 75.0%, regional networks 38.3%. National non-network down 17.6%, and local 20.2%.

Retail Broadcast Advertising

General retail broadcast advertising increase 37.3% as compared to September and showed a gain of 47.2% as against the corresponding month of 1934. Principal increases as compared to the preceding month are as follows: Automotive more than doubled, clothing 43.7%, grocery stores 64.7%, radio retailers more than double, and department stores 20.0%. Increases as compared with the same month of last year are as follows: Automobile retailers more than double, clothing 72.8%, grocery stores 50.1%, household equipment dealers 58.4%, furniture stores 70.0%, hardware stores 56.5%, and department stores 20.2%.

Retail broadcast advertising during October is found in Table VII:

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

	1935 Gross Time Sales	
Type of Sponsoring Business	*September*	*October*
Automobiles and accessories:		
Automobiles agencies and used car dealers	$47,770	$105,110
Gasoline stations, garages, etc.	31,615	47,610
Clothing and apparel shops	206,080	295,940
Drugs and toilet goods:		
Drug stores	17,700	27,720
Beauty parlors	7,320	5,110
Food products:		
Grocery stores, meat markets, etc.	36,700	60,820
Restaurants and eating places	19,480	17,370
Beverage retailers	2,020	2,330
Confectionery stores	600	760
Household goods:		
Household equipment dealers	47,940	51,820
Furniture stores	80,600	90,000
Hardware stores	15,895	16,200
Radio retailers	8,610	19,700
Department and general stores	131,280	158,740
Tobacco shops	115	120
Miscellaneous	70,500	94,000
Total	$724,225	$993,350

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 9

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-116:

NEW—Knox Broadcasting Co., Inc., Schenectady, N. Y.—C. P., **1240 kc.,** 1 KW, unlimited time.

Examiner's Report No. I-88:

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Special experimental authority, **1240 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.,** 100 watts (C. P., 100 watts, 250 watts LS), unlimited time.

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Wis.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy., Appleton, Wis.—C. P., **1500 kc.,** 100 watts, unlimited time.

Tuesday, December 10

KFPY—Symons Broadcasting Co., Spokane, Wash.—C. P., **690 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **1340 kc.,** 1 KW, unlimited time.

NEW—Fort Dodge Broadcasting Co., Emmons L. Abeles, Secy., Fort Dodge, Iowa.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Mankato Broadcasting Co., Mankato, Minn.—C. P., **1210 kc.,** 100 watts, unlimited time.

Wednesday, December 11

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clinton, Iowa.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—Wisconsin Broadcasting Co., Oshkosh, Wis.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy., Wausau, Wis.—C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—C. P., **1370 kc.**, 100 watts, unlimited time.

Thursday, December 12

NEW—Burlington Broadcasting Co., Emmons L. Abeles, Secy., Burlington, Iowa.—C. P., **1370 kc.**, 100 watts, unlimited time.

HEARING BEFORE THE BROADCAST DIVISION

NEW—Ward Walker, Seattle, Wash.—C. P., **760 kc.**, 250 watts, 500 watts LS, unlimited time (requests facilities of KXA).

KXA—American Radio Telephone Co., Seattle, Wash.—Renewal of license, **760 kc.**, 250 watts, 500 watts LS, limited time.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—C. P., **760 kc.**, 1 KW, 5 KW LS, unlimited time (requests facilities of KXA). Present assignment: **920 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—Symons Investment Co., Seattle, Wash.—C. P., **760 kc.**, 250 watts, 500 watts LS, limited time (requests facilities of KXA).

Friday, December 13

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy., Grand Island, Nebr.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hastings, Nebr.—C. P., **1420 kc.**, 100 watts, unlimited time.

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-86:

NEW—William A. Schall, Omaha, Nebr.—C. P., **1500 kc.**, 100 watts, unlimited time.

Examiner's Report No. I-87:

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—C. P., **1500 kc.**, 100 watts, unlimited time.

Examiner's Report No. I-54:

NEW—Helena Broadcasting Co., Helena, Mont.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Montana Broadcasting Co., Freda Wessell, Secy., Helena, Mont.—C. P., **1420 kc.**, 100 watts, specified hours.

NEW—E. B. Craney, Butte, Mont.—C. P., **1420 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted C. P. to make changes in antenna and move transmitter locally.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted modification of C. P. approving antenna, frequency monitor, and transmitter site at W. Wall St. (Broadway of America), Midland, Tex., and make changes in equipment.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted license to cover C. P., **1310 kc.**, 100 watts, unlimited.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. for auxiliary transmitter.

KDON—Richard Field Lewis, Del Monte, Calif.—Granted license to cover C. P. as modified, **1210 kc.**, 100 watts, unlimited.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted license to cover C. P. to move transmitter, **1420 kc.**, 100 watts night, 250 watts day, unlimited.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted authority to determine operating power by direct measurement of antenna.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KWTO—KGBX, Inc., Springfield, Mo.—Granted modification of license to change name of station from KGBX, Inc., to Ozarks Broadcasting Co.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted license to cover C. P. modified to make changes in equipment and increase power; **1120 kc.**, 500 watts night, 2½ KW day, S-KFSG.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted C. P. to move auxiliary transmitter from Raleigh to Cary, N. C.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted C. P. to make changes in auxiliary equipment and increase power of auxiliary equipment from 250 watts to 500 watts.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted C. P. authorizing installation of new equipment.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special authority to operate from 5 to 6 p. m., CST, on Sundays during the month of December, 1935, in order to broadcast special church services.

NEW—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted C. P. (broadcast pickup service), frequencies **31100, 34600, 37600** and **40600 kc.**, 5 watts.

NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted C. P. (exp. gen. exp. misc. service), frequencies **31600, 35600, 38600** and **41000 kc.**, 1 KW.

NEW—Shepard Broadcasting Service, Inc., Quincy, Mass.—Granted C. P. (gen. exp. misc. service, facsimile broadcasting), frequencies **31600, 35600, 38600** and **41000 kc.**, 500 watts.

NEW—General Electric Co., Portable-Mobile (Schenectady).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 15 watts.

W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted license to cover C. P. (exp. gen. exp.), frequencies **31600, 35600, 38600, 41000, 86000-400000 kc.**, 100 watts.

W1XEG—Connecticut State College, Storrs, Conn.—Granted license to cover C. P. (exp. gen. exp.), frequencies **86000-400000 kc., 401000 kc. and above,** 500 watts.

W10XAN—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted license to cover C. P. (exp. gen. exp.) authorizing increase in power from 10 to 40 watts.

WNBD—WDSU, Inc., Portable-Mobile (New Orleans, La.).—Granted license to cover C. P. for period ending November 1, 1936; frequencies **1646, 2090, 2190** and **2830 kc.**, 3 watts.

W10XGB—Miami Valley Broadcasting Corp., Portable-Mobile (Miami, Fla.).—Granted license to cover C. P. (exp. broadcasting pickup station), frequencies **31100, 34600, 37600** and **40600 kc.**, 2.5 watts.

NEW—National Battery Broadcasting Co., Portable-Mobile (St. Paul).—Granted C. P. for broadcast pickup station, frequencies **1622, 2060, 2150, 2790 kc.**, 25 watts.

W3XAU—WCAU Broadcasting Co., Newton Square, Pa.—Granted C. P. to increase power to 10 KW.

W8XAR—Westinghouse Electric & Manufacturing Co., Saxonburg, Pa.—Granted renewal of special experimental station license in exact conformity with existing license, for the period December 23, 1935, to March 23, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

WHDL, Olean, N. Y.; WMAS, Springfield, Mass.; WOC, Davenport, Iowa; WPAD, Paducah, Ky.; WRJN, Racine, Wis.; WWRL, Woodside, L. I.; KABC, San Antonio, Tex.; KABR, Aberdeen, S. Dak.; KBPS, Portland, Ore.; KDB, Santa Barbara, Calif.; KFGQ, Boone, Iowa; KFJZ, Fort Worth, Tex.; KFRO, Longview, Tex.; KGFF, Shawnee, Okla.; KGFI, Corpus Christi, Tex.; KGFL, Roswell, New Meixco; KGIW, Alamosa, Colo.; KGKB, Tyler, Tex.; KICA, Clovis, N. Mex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KRE, Berkeley, Calif.; KSLM, Salem, Ore.; KVL, Seattle, Wash.; KWYO, Sheridan, Wyo.

SET FOR HEARING

NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as the Port Huron Broadcasting Co., Port Huron, Mich.—Application for C. P. for new station; **1370 kc.**, 250 watts, daytime only.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Application for C. P. to install new equipment, change frequency from **1420 kc.** to **1260 kc.**, increase power from 100 watts to 250 watts daytime, and move transmitter from Olean to Allegany, N. Y.

NEW—John A. Stump, Fairbanks, Alaska.—C. P., already in hearing docket, amended to request **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—J. R. Maddox and Dr. W. B. Hair, d/b as Chattanooga Broadcasting Co., White Oak, Tenn.—Application for C. P. for new station; **590 kc.**, 1 KW, unlimited time.

NEW—Ruth Adcock and S. E. Adcock, c/b as General Broadcasters, Johnson City, Tenn.—Application for C. P. for new station; **600 kc.**, 250 watts, daytime.

NEW—Ruth Adcock and S. E. Adcock, c/b as General Broadcasters, Rossville, Ga.—Application for C. P. for new station; **580 kc.**, 250 watts, daytime.

NEW—Herbert Hollister, Emporia, Kans.—Application for C. P. for new station; **1500 kc.**, 100 watts, unlimited time.

NEW—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Application for C. P. for new station; **1190 kc.**, 250 watts daytime. Site to be determined subject to approval of Commission.

WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental authority to operate with 5 KW power from 9 p. m. to 7 a. m., EST, using both directive and non-directive antenna, to February 1, 1936. To be heard by the Division en banc February 13, 1936.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Authority to transfer control of corporation from Olean Broadcasting Co., Inc., to the Olean Times-Herald Corp.

NEW—Howard N. Mitchell, Sacramento, Calif.—Application for C. P. for new station; frequency **1310 kc.**, 100 watts, unlimited time.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Application for C. P. to increase power from 100 to 250 watts; change frequency from **1420 kc.** to **1390 kc.** (new equipment).

NEW—Nathan N. Bauer, Miami, Fla.—Application for C. P. for new station; **1420 kc.**, 100 watts, unlimited time.

NEW—O. S. Cleveland and E. H. Carter, d/b as The Voice of the Black Hills, Rapid City, S. Dak.—Application for C. P. for new station; **1200 kc.**, 100 watts, S.H., unlimited except 1 hour used daily by WCAT. Site to be determined.

NEW—John E. Fetzer, Benton Harbor, Mich.—Application for C. P. for new station; **1500 kc.**, 100 watts night, 250 watts day, unlimited. Site to be determined on approval of Commission.

NEW—Kidd Bros (K. K. Kidd and A. C. Kidd), Taft, Calif.—Application for C. P. for new station; **1420 kc.**, 100 watts, daytime.

NEW—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Application for C. P. for new station; **1330 kc.**, 250 watts night, 500 watts day, unlimited.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-53: L. M. Kennett, Indianapolis, Ind.—Denied C. P. for new station to operate on **600 kc.**, 1 KW, daytime. Order effective January 28, 1936. Examiner Geo. H. Hill reversed.

NEW—Ex. Rep. No. 1-76: National Battery Broadcasting Co., Minneapolis, Minn.—Denied C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited time. Examiner Melvin Dalberg sustained.

NEW—Edward Hoffman, St. Paul, Minn.—Granted C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited, subject to Rules 131, 132, 139. Examiner Dalberg sustained.

NEW—Radio Chapel of the Air (Rev. Robt. E. Connely, Pres.), Minneapolis, Minn.—Denied C. P. for new broadcast station to operate on **1370 kc.**, 100 watts, unlimited time. Examiner Dalberg sustained.

WALA—Ex. Rep. No. 1-120: Pape Broadcasting Corp., Inc., Mobile, Ala.—Denied modification of license to increase power from 500 watts night, 1 KW day, to 1 KW; **1380 kc.**, unlimited time. Examiner Walker sustained. Order effective January 21, 1936.

NEW—Ex. Rep. No. 1-140: Steel City Broadcasting Co. (Bernard Armstrong, Harold C. Lund, and Jerome Mayhall), Pittsburgh, Pa.—Denied as in cases of default C. P. for new broadcast station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time, sustaining Examiner R. L. Walker.

KFDM—Ex. Rep. No. 1-144: Sabine Broadcasting Co., Inc., Beaumont, Tex.—Denied as in cases of default modification of license to change power from 500 watts night, 1 KW day, to 1 KW; **560 kc.**, unlimited time. Examiner Walker sustained.

NEW—Dr. Geo. W. Young, Minneapolis, Minn.—Denied C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited time. Examiner Dalberg sustained. Order in the four cases above effective February 4, 1936.

KGFI—Ex. Rep. No. 1-120: Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Denied C. P. to move transmitter locally; install new equipment; change frequency from **1500 kc.** to **1380 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time. Examiner R. L. Walker sustained.

ACTION ON CASE HEARD BY COMMISSIONER BROWN

Mrs. Nellie H. Morris and W. C. Morris, a partnership working as Hotel Eagle, Eagle Pass, Tex.—Denied authority to transmit programs from Hotel Eagle over XEPN, Piedras Negras, Mexico. Commissioner Brown's recommendations sustained. Order effective February 4, 1936.

MISCELLANEOUS

WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—Reconsidered and granted, without hearing, application for transfer of control of station.

WCOP—Joseph M. Kirby, Boston, Mass.—Denied petition asking Commission to reconsider and grant application to change frequency from **1120 kc.** to **1130 kc.**, and to increase time from daytime to local sunset at Salt Lake City.

NEW—Seymour Chamber of Commerce, Seymour, Tex.—Granted permission to withdraw protest against removal of KGKO from Wichita Falls to Fort Worth, Tex.

NEW—Christian M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—Granted request that hearing on application of Long Piano Co. for new station at San Luis Obispo, scheduled for December 16, be postponed until January 27, 1936, when both applications will be heard jointly.

APPLICATIONS RECEIVED

First Zone

WABI—The Community Broadcasting Service, Bangor, Maine.—
1200 Authority to transfer control of corporation from First Universalist Society of Bangor, Maine, to Frederick B. Simpson, 990 shares of common stock.

NEW—Niagara Falls Broadcasting Corp., Niagara Falls, N. Y.—
1420 Construction permit for a new station to be operated on (frequency not given), 100 watts, unlimited time. Amended giving frequency as **1420 kc.**; change power from 100 watts to 100 watts, 250 watts day; transmitter site as point on East city line and 200 feet south of Buffalo Ave., Niagara Falls, N. Y.; and make changes in equipment.

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of license
590 to change hours of operation from daytime to local sunset at Kalamazoo, Mich., to daytime to local sunset at Omaha, Nebr. (WOW).

NEW—John E. Fetzer, Saginaw, Mich.—Construction permit for
630 a new station to be operated on **800 kc.**, 1 KW, daytime. Amended to change frequency from **800 kc.** to **630 kc.**, and make changes in antenna.

NEW—Wolverine Broadcasting Co. (John E. Fetzer), Ann Arbor,
800 Mich.—Construction permit for a new station to be operated on **830 kc.**, 1 KW, daytime. Amended to make changes in equipment and change frequency from **830 kc.** to **800 kc.**

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine
1220 operating power by direct measurement of antenna.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—License to cover
1380 construction permit (B2-P-149) for equipment changes and move transmitter.

NEW—WTAR Radio Corp., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 5 watts.

Third Zone

WJAX—City of Jacksonville, Jacksonville, Fla.—License to cover
900 construction permit (B3-P-408) to install new equipment, increase day power, and move transmitter.

WJAX—City of Jacksonville, Jacksonville, Fla.—Authority to de-
900 termine operating power by direct measurement of antenna power.

NEW—Southland Broadcasting Corp., Chattanooga, Tenn.—Con-
1200 struction permit to erect a new broadcast station at Chattanooga, Tenn., to be operated on **1200 kc.**, 100 watts, daytime.

NEW—W. T. Knight, Jr., Savannah, Ga.—Construction permit for
1310 a new station to be operated on **1310 kc.**, 100 watts, unlimited time.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction
1330 permit to make changes in equipment.
NEW—Radio Station WSOC, Inc., Portable-Mobile.—Construction
permit for a new general experimental station to be operated
on **31100, 34600, 37600, 40600 kc.,** 2 watts.

Fourth Zone

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Construc-
870 tion permit to make changes in equipment (main transmitter).
WENR—National Broadcasting Co., Inc., Chicago, Ill.—Construc-
870 tion permit to make changes in auxiliary equipment.
WHA—University of Wisconsin, Madison, Wis.—Construction per-
940 mit to make changes in equipment and increase power from
2½ KW to 5 KW.
WCBD—WCBD, Inc., Waukegan, Ill.—Modification of license to
1080 move studio from Karcher Hotel, Waukegan, Ill., to 128 N.
Pulaski Road, Chicago, Ill.
WHB—WHB Broadcasting Co., Kansas City, Mo.—Construction
1120 permit to make equipment changes, install directional antenna, change frequency from **860 kc.** to **1120 kc.,** time from
daytime to unlimited, using 500 watts power night.
NEW—The Times Publishing Co., St. Cloud, Minn.—Construction
1420 permit to erect a new broadcast station at St. Cloud, Minn.,
to be operated on **1420 kc.,** 100 watts, unlimited time.
NEW—The Waterloo Times-Tribune Publishing Co., Waterloo,
1550 Iowa.—Construction permit for a new experimental broadcast station to be operated on **1550 kc.,** 1 KW, unlimited
time, at Waterloo, Iowa.

Fifth Zone

KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—
1200 License to cover construction permit (B5-P-748) to install
new equipment.
KGVO—Mosby's, Inc., Missoula, Mont.—Modification of construc-
1200 tion permit (B5-P-232) as modified to install new equipment,
change frequency, increase power, move transmitter, to further request extension of completion date from 12-16-35 to
1-16-36.
NEW—Ralph E. Smith, San Diego, Calif.—Construction permit for
1200 a new station to be operated on **1200 kc.,** 100 watts, unlimited time. Amended to change hours of operation from
unlimited to daytime.
NEW—Donald A. Wike and H. E. Studebaker, Baker, Ore.—Con-
1370 struction permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts night, 250 watts day, unlimited
time. Facilities requested frequency of KUJ contingent upon
KUJ being granted another frequency as applied for.
NEW—The Reynolds Radio Co., Inc., Portable-Mobile.—Construction permit for a new general experimental station to be
operated on **31100, 34600, 37600, 40600 kc.,** 1 watt.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS ★ ★ ★ ★ ★

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MORE TIME RECOMMENDED FOR WROK

Broadcasting Station WROK, Rockford, Ill., operating on a frequency of 1410 kilocycles, with 500 watts power, now sharing time with WHBL, applied to the Federal Communications Commission for unlimited time.

Examiner P. W. Seward, in Report No. I-148, has recommended that the application be approved by the Commission. The Examiner found that granting of the application is in the public interest and that its granting "would not materially increase the interference with any existing station to the point that such interference would be considered objectionable."

NEW CALIFORNIA STATION RECOMMENDED

Arthur Westlund and Jules Cohn applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Santa Rosa, Calif., to use 1310 kilocycles, 100 watts power, and unlimited time.

Examiner Ralph L. Walker, in Report No. I-147, recommended that the application be granted. The Examiner found that "the applicants are in all respects qualified to construct and operate the proposed station, there is need for the service in the area to be served, and the proposed transmitter site and equipment is satisfactory."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Commonwealth Investment Company, San Francisco, Calif. (2-1789, Form A-1)
Alaska Hurrah Gold Mines, Seattle, Wash. (2-1790, Form A-1)
Acme Rayon Corporation, Cleveland, Ohio. (2-1791, Form A-2)
Wellington Fund, Inc., Camden, N. J. (2-1792, Form A-1)
Sterling Gold Mining Corporation, Houston, Tex. (2-1793, Form A-1)
Sterling Gold Mining Corporation, Houston, Tex. (2-1794, Form A-1)
National Pressure Cooker Company, Eau Claire, Wis. (2-1795, Form A-2)
Committee for Monogram Realty Company, St. Louis, Mo. (2-1796, Form D-1)
I. F. Steinmeyer, St. Louis, Mo. (2-1797, Form E-1)
Central States Life Insurance Co., St. Louis, Mo. (2-1798, Form E-1)
Deposited Bonds and Shares Corp., Los Angeles, Calif. (2-1799, Form C-1)

NEW CALIFORNIA STATION RECOMMENDED

Clark Standiford applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Visalia, Calif., to use 1310 kilocycles, 100 watts power, and unlimited time.

Chief Examiner David G. Arnold, in Report No. I-150, has recommended that the application be granted "with the understanding that the station is to remain a local station and not engage in chain broadcasting." The Examiner found that there is a need in that area for additional radio service. The granting of the application would be in the public interest, the Examiner states, and the site on which it is proposed to construct the station meets the requirements of the Commission.

PRALL SPEAKS ON BROADCASTING

Anning S. Prall, Chairman of the Federal Communications Commission, speaking at the radio luncheon of the Downtown Athletic Club, New York City, on December 5, discussed broadcasting, and of some of the things that the Commission is doing and hopes to do in the future, he said:

"I have been reliably advised that this is what is known as a 'Headliners' luncheon. Upon looking you over very carefully, with somewhat of a discriminating eye, I am convinced that the 'Headliners' are not segregated about this table, but grace every table in this room.

"I am delighted to see you here and am especially pleased to know that some of my friends in the broadcasting industry are here to do us honor today. At this time I wish to thank all of you who have given of your time and talents for your generous contribution to the success of this luncheon.

"The limited time allotted me permits me to touch upon only a few highlights of broadcasting, and I will be unable to mention the other activities with which the Federal Communications Commission is concerned.

"The Commission came into being on June 19, 1934. Under prior law, jurisdiction over the communications industry was vested in several different departments of the government. President Roosevelt, in a message to Congress, stressed the need for a single Federal agency to have unified jurisdiction over all forms of electrical communications whether by telephone, telegraph, cable or radio. Thus the Federal Communications Commission, armed with comprehensive jurisdiction and control over the entire communications industry, was created. I was appointed to the Commission on January 17, 1935, and designated its Chairman by the President on March 11, 1935.

"The broadcasting industry of the United States is privately owned and controlled. Its regulation, however, rests in and with the Federal Communications Commission. Broadcasting, in virtually all other countries, is subject to government ownership, control and operation.

"Proposals have been advanced for government ownership or operation of broadcasting in the United States. These propositions have grown out of the fact that in most other important nations radio is government controlled. It is my view that government-owned broadcasting has no place in our democratic form of government. To give any administration control of the air would possibly point the way to the suppression of free speech. In every other nation having government broadcasting, it has been found necessary to tax the people to defray the operating overhead. The enormous operating expense of American broadcasting on its present scale would greatly add to the general tax burden.

"Last summer, President Roosevelt took occasion to comment on American broadcasting. Addressing himself to the nation's broadcasters coincident with their annual convention, he said:

" 'I have previously expressed my very great faith in the American system of broadcasting. Recent events have increased rather than diminished that faith. Censorship has not, and cannot, invade the ether lanes. It is not the American way.'

"That, in my opinion, is a forthright expression from our Chief Executive as to his views on American broadcasting. I am in full accord with it.

"We have given much thought and consideration to the possibilities of education by radio. Two conferences, occupying several weeks' time, have been held by the Commission for the specific consideration of this subject, and we are contributing as far as possible to the complete development of a definite, practical and workable plan for the extension, expansion and modernization of education by means of radio broadcasting. There is a fertile field for such modern methods in this direction, and the universal demand for a broader use of radio for educational purposes increases as time goes on and as modern mechanical improvements mark the progress of the possibilities of radio and make its application to greater educational uses possible.

"The great founders of our government recognized, from the very beginning, the supreme importance of education in a democracy such as ours. They appreciated that, where the people themselves directly determine governmental policies and elect the representatives who are to carry them out, the quality of community life will not rise above the educational level of the average citizen—his intelligence, his understanding, his ideals, and the wisdom of his decisions.

"If education were important in those early days of town-hall meetings, when we were but three million people, living along the Atlantic coast, when communities were relatively sufficient unto themselves, and when voting power was restricted to the few, how much more today is education significant! Forty-fold have we grown in population. The busy descendants of many nations have developed a wide diversity of resources, have built up a broad variety of industries. Widely scattered though we are, we have become closely interdependent and necessary to one another. The dust storms beyond the Mississippi leave their withering trace within the kitchen of the housewife in the east; the destructive floods that work havoc with the cotton fields of the south spell idleness to the millhand of New England. Never before in our history has there been so much need for the broader education, so essential to a democracy, which shows itself in the good-will of its citizens—their clear thinking, their understanding, their tolerance, their social sensitiveness to the needs of others, and their social responsiveness that will make for the upbuilding of our national life.

"For a century and more, education has been closely—too closely for our national welfare—limited to the schools; the school has been identified too exclusively with the scholar, and the scholar with the teacher and the book. We have trusted too narrowly to the three R's, and particularly to the printed symbol, to develop the thinking, social-minded, understanding citizen who is to take an active part in the solution of the many complex problems that confront us as a nation. We have left almost entirely out of the picture that large multitude of men and women beyond the compulsory school-years, who must find their learning in the everyday experiences of life.

"It is only within comparatively recent times that forward-looking educators have insisted that we must consider the educative process, in fact as well as in theory, to be life-long, extending far beyond the school years, going backward into infancy and forward into adolescence and adulthood. Fortunately there has come to us, as if to meet this broader need, a voice vibrant with the personality of the living teacher, the voice of Radio.

"In order that a concrete, definite plan for education by radio may be developed, the Commission has appointed a representative committee, composed of both educators and broadcasters, to study the educational question in full detail and report to the Commission. Dr. John W. Studebaker, United States Commissioner of Education, will serve as chairman of this committee.

"Much of our time has been devoted to clearing the air of obnoxious programs. We are forever beset with complaints regarding the quality of programs, and I assure you the Commission is determined to improve the program standards of every broadcast station. Many unscrupulous broadcasters have permitted their stations to be used by high-powered salesmen to present fraudulent claims while advertising quack medicines, while others have indulged in fortune-telling, astrology, and lotteries, which have found many gullible victims because of misrepresentations made and over-statements presented in the broadcast. In these efforts the Commission, I am happy to say, has had the unqualified support and cooperation of the better class of stations throughout the country, and we believe we will soon have arrived at a point where such misrepresentations will be the exception rather than the rule and that the standards of broadcasting will have reached a degree of excellence to which we may point with pride.

"It may be interesting, to those who are uninformed, to know that there are 621 broadcast stations originating programs which are heard over some twenty-odd million receiving sets in homes in the United States. Using the United States Census Bureau average of four listeners per set, we have a potential radio audience averaging more than 80,000,000 of our 125,000,000 population.

"Radio speaks to all: To the mother busy with her household tasks; to the worker pausing for his noonday meal; to the young, to the old; to the solitary recluse, to the family circle; to the rich, to the poor; to the scholar, to the unlettered; in remote mountain hamlet, in the crowded city tenement; everywhere radio sends alike its friendly human greeting. Whatever the human interests may be—be they civic, political, religious, social, musical, dramatic, literary, current news, sports—everywhere radio brings us relaxation, growth, enrichment, recreation in the best sense of each term. It enlarges our circle of acquaintances to include the President himself. It has raised the cultural level of the nation by making the best in music and in the literary arts an influence in every home. It has made of California a next-door neighbor of Maine. It has brought one hundred million people within the magic spell of the speaker's voice.

"And now let us take a glimpse into the future of radio.

"Apparatus for facsimile broadcasting has been perfected, although I understand there is still an economic obstacle which must be surmounted prior to large-scale distribution. When practical facsimile arrives, photographic reproductions of your favorite daily newspaper will emerge before your very eyes through your receiving set. Television, I understand, will follow very closely, and while great technical strides have been made, the producers of television sets are not yet ready to place them at your disposal. However, it will not be long, I am sure, before these new devices will be placed in your homes.

"When the era of visual broadcasting arrives and you get the news by reproduction of your daily newspaper, as you watch the football or baseball game, your favorite opera, and other activities, I trust you will think back to the fifth day of December, 1935, with fond recollections and pleasant memories of the Downtown Athletic Club's Radio Luncheon."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be used against them.

No. 2641. Misrepresentations in the sale of medicinal products are alleged in a complaint against **Albert F. Cooley, of Los Angeles**, trading under the names of **Rango Tablet Company, A. F. Rango, Daddy Rango, Daddy Rango Tablet Company, Rango Company,** and **Daddy Rango Company.**

Advertising in newspapers and magazines and by radio broadcasts, the respondent is alleged to have represented his medicines as a cure, remedy, or competent and adequate treatment for an "over-acid condition" of the system, neuritis, stomach disorders generally, dizzy spells and other ailments. The complaint charges, however, that these preparations do not constitute a cure, remedy, or competent treatment for the various diseases for which they are recommended, and that the respondent's representations are misleading.

No. 2642. Alleging a combination and agreement for suppressing competition in the sale of buff and polishing wheels and enhancing the prices thereof to the public, a complaint has been issued against the **Buff & Polishing Wheel Manufacturers' Association, of New York City,** and thirty-three eastern and middle western companies controlling almost the entire production of cotton buffs and polishing wheels in the United States. All but one of the companies are members of the association.

According to the complaint, the respondents have filed with the association their current price lists, from time to time filing revisions of such lists, all of which have been distributed to and followed by members of the industry.

No. 2643. Alleging unfair competition in the sale in interstate commerce of treatments for foot ailments, a complaint has been issued against **C. R. Acfield, Inc.,** of 36 West Thirty-fourth Street, **New York City.**

Selling and distributing the "Perfection Toe Spring" for bunions and "Bentoe Splint" for hammer-toe, to foot specialists, chiropodists, retail stores and individuals, the respondent is alleged to have advertised that the toe-spring cures or removes the actual cause of a bunion or enlarged joint and that the "Bentoe Splint" is capable of straightening hammer-toes.

No. 2645. A complaint has been issued charging **Jack Diamond, of New York City,** knitted garments dealer trading as **"Diamond Knitting Mills,"** with unfair representations in the use of the words "Knitting Mills" in his trade name, when in fact he does not manufacture the products sold or own or control a factory in which they are made.

According to the complaint, this tends to deceive buyers into believing that by purchasing products from Diamond Knitting Mills they are buying directly from a factory and saving profits that would otherwise go to a middleman.

Stipulations

The Commission has announced the following cease and desist orders:

No. 0981. McCarrie School of Mechanical Dentistry, Philadelphia, selling a correspondence course, agrees to cease and desist from representing that the regular price of the course is a special price, and that any reduction in price is for a limited time, unless a definite time limit is fixed, and the former price is resumed at the expiration of such time.

No. 0982. The Master Drug Company, Inc., of Omaha, Nebr., in the sale of a medicinal treatment offered for numerous ailments, and known as "Commanders," agrees to stop representing that "Commanders are derived from pure food sources"; that "in one Commander there are vitamins equivalent to vitamins in the following: 1 quart milk, 100 loaves white bread, plus 1 large spoonful of cod liver oil, 1 cake of yeast, 1 egg, 1 orange, 1 plate of spinach, and 1 plate of whole wheat."

The respondent will also stop representing that "Commanders" are a competent remedy in treating rheumatism, arthritis, neuritis, and other ailments.

No. 0983. Best Products Corporation, of Seattle, Wash., agrees not to represent "Best's Aspirin" as "The aspirin your doctor prescribes," and not to make unmodified representations of earnings in excess of actual average earnings of full-time salespersons. The respondent also will no longer include in its letterheads or advertising material a picture of the building in which the respondent has rooms, with a fanciful sign depicted thereon, implying that the company occupies the entire building.

No. 0984. Scholl Manufacturing Company, Inc., Chicago, selling "Solvex," a medicated ointment, agrees to stop advertising that it will do away with every sign of athlete's foot or other ringworm infections, or that it will restore inflamed, cracked, or scaly skin to normal.

No. 0985. Medi Creme, Inc., of Baltimore, vendor of a skin cream, stipulates that it will not advertise "Medi Creme" as a competent remedy for enlarged pores, acne, eczema or hemorrhoids, and will cease representing that the preparation is antiseptic or penetrating and that it is a relief or treatment for skin or foot infections.

No. 0986. Az-Ma-Gon Remedies Corporation, of Amery, Wis., agrees to abandon the representation that its treatment for asthma and hay fever will bring immediate relief or prevent occurrence of hay fever attacks in the midst of exposure to the things which cause this trouble, and that "Az-Ma-Gon" is "absolutely harmless."

No. 0987. Mitchell I. Heim, of Minneapolis, trading as Credit Guaranty Association, selling account collecting systems, agrees to cease representing that circular letters to prospective agents are personal; that the respondent's collection system is nationally recognized; that there is an opening for a district superintendent in any community, unless the respondent has in such community an established organization to be supervised or directed by a superintendent; that the system contains the same plans and secrets that large national concerns have paid thousands of dollars to learn, and other representations of like character. The respondent agrees not to hold out as a chance or opportunity for prospective salesmen any amount in excess of what has actually been accomplished by salespersons under normal conditions.

No. 0988. Peterson's Ointment Company, Inc., of Buffalo, engaged in selling a treatment for piles, eczema, athlete's foot, and similar ailments, agrees to cease asserting that its ointment is a competent treatment or effective remedy for eczema, and a competent treatment for athlete's foot and other diseases, unless the representations are limited to the relief of certain surface irritations. Other similar assertions will be discontinued.

No. 0989. Marlin Mineral Water Company, Inc., of Marlin, Tex., selling mineral water and mineral crystals, agrees to stop advertising that either the water or the crystals will correct faulty elimination, cleanse the system of toxic and uric poisons, give children "pep" and stamina, and to abandon other like representations.

No. 0990. Stanco, Inc., of New York City, vendor advertiser of a medicinal preparation called "Mistol Drops," agrees to cease alleging that this preparation is a competent treatment or effective remedy for colds, coughs or sore throat, or that it will do more than relieve minor types of nasal irritations or congestions, and to stop other representations. The respondent has discontinued publication of the advertisements questioned, although not admitting that the assertions as published were incorrect or misleading.

No. 0991. The Kar-Nu Company, of Cincinnati, selling an automobile refinisher, agrees to stop representing that "Kar-Nu" is not a varnish, or that it dries in fifteen minutes and gives the luster, life, glow and beauty of the "original factory finish." The company will also cease representing that the product stands every test, and is made from the highest grade gums and synthetic resins from all over the world. The article will not be advertised as being used by the Ford Motor Company, until the Ford Motor Company actually uses the product, according to the stipulation.

No. 1508. C. L. Rowe, of Chicago, trading as Interstate Mushroom Industries, and engaged in the sale of mushroom spawn, of manuals of instruction for growing mushrooms, and of advice and instruction services, stipulates that he will discontinue advertising that mushrooms can be successfully grown anywhere about the home or on its premises; that the cultivation is easy, and that as much as 540 per cent profit can be obtained in the business. The stipulation points out that Rowe's advertisements were also deceptive and misleading because they omitted the material fact that the business of growing mushrooms for the market is one of great difficulty, involving intricate processes which must be carefully followed to make the venture commercially profitable.

Nos. 1509 and 1510. L. E. Scott Company, Inc., of Southington, Conn., manufacturer of cleaning fluids, and **Andrew F. Wineburgh, of New York City,** trading as **Exo Products Company** and distributing a solvent called "Exo Cleaning Fluid," both agree to cease making misleading representations in the sale of their preparations, particularly concerning their effect on color or fabrics.

No. 1511. L. H. Davidson, of Chicago, trading as Service Garment Company, will discontinue representing through salesmen or by means of advertising, that suits offered for sale are tailored or fashioned or made to measure or order of the individual customer, when this is not true, and from using methods of accepting orders for suits which may tend to deceive customers into believing that the suits they order will be tailored, fashioned, or made to individual measurement. The respondent also agrees to abandon use of representations such as "from factory to you," implying that he owns and operates the factory wherein the suits sold by him are manufactured, when this is not true.

No. 1512. Anna R. Barletta, of New York City, trading as Barletta Manufacturing and Packing Company, and **Hercules A. Barletta,** agree in their stipulation to cease and desist from representing on labels attached to containers in which their products are packed, or in other advertising, that their preparations are imported from Italy or elsewhere, or that they have offices or branches at Naples and Milan, or that they are agents or distributors in the United States for any foreign producers, when these are not the facts.

No. 1513. Rountree Trunk and Bag Company, of Richmond, agrees to abandon use of the word "leather" as a stamp or brand implying that its products are composed of leather made from the top or grain cut or layer of the hide. The foregoing representation will be discontinued unless, when these products are composed of leather made from the inner or flesh cut of the hide, the word "leather" shall be immediately accompanied by the word "split," or by some other suitable word in conspicuous type, to show that the products are not composed of leather made from the top or grain cut or layer of the hide.

No. 1514. John P. Winnecour, of Chicago, trading as Economy Tire and Radio Company, selling radio receiving instruments and electrical appliances, agrees to stop selling radio sets marked "Victor" and "Victor Radio Corporation," and from use of the word "Victor" in any way having a tendency to deceive buyers into believing that the products so marked are the products of the RCA Manufacturing Company, Inc., of Camden, N. J., when this is not true. Winnecour also agrees to cease employing expressions such as "Direct from factory to you," which may tend to deceive buyers into believing that he owns and operates a factory wherein his products are made, when such is not the fact.

No. 1515. Trading as Varnish Products Company in Brooklyn, N. Y., Theodore Shapiro and Nat Pashman agree to discontinue use of the words "lead zinc," or "lead and zinc," to advertise products which are not in fact made wholly of zinc in combination with lead carbonate or lead sulphate. Provision is made, however, that if any products contain zinc in their pigments in combination with lead carbonate or lead sulphate in substantial quantities, the phrases "lead zinc" or "lead and zinc," if used, shall be accompanied by words in conspicuous type accurately designating such ingredients or disclosing that the product contains other ingredients.

No. 1516. Trading as **Spiegel Brothers, with principal place of business in New York City, Walter E. Spiegel and Kurt J. Spiegel,** engaged in the sale of hardware and tools, agree to stop employing representations such as "Makers of steelcraft tools," and "F.o.b. our Pennsylvania factory," when in fact they do not own or operate a factory wherein the products they sell are manufactured. They will also discontinue, in soliciting export trade, the use of catalogues or other advertisements which give incomplete or misleading information respecting which of their products are made in the United States and which are imported from foreign countries.

According to the stipulation, this practice resulted in confusion and disappointment to foreign purchasers who desired to buy articles made in the United States.

No. 1517. Jose Diaz, of Tampa, Fla., trading as Jose Diaz & Co., manufacturer of cigars, agrees to stop using the words "throwouts" or "factory throwouts" independently or in connection with other words as a trade name for products, or on labels or boxes in which the products are packed, to represent such of his cigars as are not actually throwouts. The stipulation points out that among cigar manufacturers and dealers, as well as among smokers, the words "throwouts" and "factory throwouts" have a definite meaning and are applied to cigars which, because of some imperfection, do not pass inspection at the factory, and are therefore thrown out in the process of packing such products for sale.

No. 1518. Atlas Furniture Company, of Jamestown, N. Y., agrees to stop employing the words "mahogany" or "walnut" in advertising its products, implying that such furniture is made of wood derived from trees of the mahogany or walnut family, when this is not true.

No. 1519. Trading under the name of **D. Roum and Son and Brookdale Shirt Company, David Roum and Jack Roum, of New York City,** co-partners engaged in the manufacture of men's shirts, agree to cease designating their products as "Pre-shrunk." The respondents agree that the cloth of which the shirts were made had not been subjected to such treatment as to eliminate shrinkage beyond a reasonable tolerance, so as to be properly designated as "Pre-shrunk."

Nos. 1520 and 1521. W. C. Kalash, Inc., of Omaha, Nebr., and **Corn Chemical Company, Inc., of Cleveland, Tenn.,** agree to stop representing that salves offered as treatments for hay fever are anti-pollen agents or will immunize the nasal passages against hay fever. These respondents also agree not to say that their product will cure hay fever, or that hay fever has been conquered, and to cease employing any exaggerated claims, improbable of accomplishment.

No. 1522. A cleaning fluid called "Zep" will no longer be advertised as "non-injurious" to fabrics in connection with its sale as a cleaner, nor will the phrase "Will not form rings" be used in connection with its sale, according to a stipulation signed by **Harry Kantrowitz, Aaron Gershon, and Benjamin Schreiber, co-partners, of New York City, trading as Gershon and Schreiber.**

No. 1523. Sales plans involving the use of gift enterprises or lotteries will be discontinued by **Christ L. Temo, of Youngstown, Ohio, trading as Temo's and as C. L. Temo Co.,** and engaged in the manufacture of confectionery.

No. 1524. Use of the phrases, "Removes spots without injury to color or fabric," and "Will not leave a ring," will be discontinued by **Klink Products Corporation, of Brooklyn, N. Y.,** manufacturer of two cleaning fluids, known as "Klink" and "Clean-Tex." The stipulation says that use of the product on certain fabrics does result in appearance of a mark or ring, and that certain fabrics are injured by use of the fluid thereon.

No. 1525. Norwalk Vault Company, of St. Louis, selling cement burial vaults, agrees to stop advertising that its vaults give permanent and positive protection to bodies encased therein, and that the vaults are waterproof or air-tight and will last through the ages. The stipulation points out that the vaults referred to in the advertisement did not give permanent and positive protection, were not waterproof or air-tight, and that there was no basis for representing that they would last through the ages.

No. 1526. The Baer & Wilde Co., of Attleboro, Mass., selling men's jewelry such as cuff links, collar buttons and tie fasteners, under the trade names "Swank" and "Cum-a-Parts," contracts, agreements or promises from its distributors, by the terms of which an undue or unreasonable restriction is placed upon alienation of goods and the freedom of trade. According to the stipulation, this company confined the distribution of its products to a small number of wholesale jewelers who acted as exclusive distributors. As a condition precedent to appointment of such a distributor, this company required the signing of an agreement in which the distributor agreed not to sell or solicit the respondent's product to the men's wear trade, and to confine its selling efforts of these products exclusively to retail jewelers, according to the stipulation.

No. 1527. Horace E. Dodge Boat & Plane Corporation, of Newport News, Va., and New York City, agrees to cease and desist from employing the word "mahogany" either independently or in connection with other words, implying that its boats or the wood trim or other wood parts thereof are from trees of the mahogany family, when this is not true. The stipulation says the company advertised that "Costly carloads of mahogany are seasoned under cover after importation from Africa," when in fact the parts of these products represented were not derived from trees of the mahogany family.

No. 1733. The Billings-Chapin Company, of Cleveland, New York and Boston, has been prohibited, under a cease and desist order, from use in the sale of paint, enamel, or varnish products of certain words and initials signifying the United States Government or United States Navy.

The respondent company advertised and sold its products under the names, "U. S. Deck Paint," "U. S. N. Deck Paint," and other brand names similarly containing the letters "U. S." or "U. S. N.," according to the findings.

No. 2282. Rose R. Scott, of 130 West 17th Street, **New York City,** trading as **Kotalko Sales Company,** has been ordered to cease and desist from representing that certain preparations will eliminate dandruff, or grow hair on bald heads, or that they are efficacious as treatments for various forms of baldness. The order specifies that these representations shall be discontinued, "including by or through the use of testimonials or endorsements."

No. 2297. Louis Dubinoff, of Newark, N. J., trading as **Famous Pure Silk Hosiery Company,** has been ordered to cease and desist from unfair methods of competition in the sale of hosiery.

Dubinoff is directed to discontinue asserting that he owns, controls or operates the mill in which his products are manufactured, unless and until this is true, and that he is a direct mill distributor, unless he maintains a distributing or agency connection with the mill in which the products he sells are made, or maintains a relationship to that mill other than as a purchaser of products for resale.

No. 2364. John Alden Company, of Chicago, conducting a magazine subscription agency business, has been served with an order to cease and desist from unfair methods of competition in selling subscriptions to magazines. The order is directed against **G. H. Soeffing** and **E. H. Eisler,** trading as **John Alden Company,** and also as **L. M. Stone, Mgr.**

In the sale or distribution in interstate commerce of subscriptions for magazines, the respondents are ordered to cease and desist from advertising puzzle contests representing in such advertisements that mere solution of the puzzle will enable a contestant to win a prize; that the puzzle prize contest does not require the sending of money by contestants, and that the advertised prizes are awarded free, without a rendition of sales, solicitation, or subscription gathering services on the part of contestants.

No. 2459. Under a cease and desist order **Claude S. Allen, New York City,** trading as **London Toffee Company,** is prohibited from using the names of certain foreign cities when advertising his domestic-made products, and from representing himself as a manufacturer of confectionery products.

The order directs the **C. S. Allen Corporation, New York City,** manufacturer of confectionery products, including "toffee," to discontinue printing on its cellophane or paper containers names of certain foreign cities, and from employing the phrase "Famous in England since 1860," alone or in connection with words, phrases or pictures of an English guard in uniform in an English castle, unless there is placed at close proximity to this representation other words clearly indicating that the article is produced or manufactured in the United States.

No. 2564. An order to cease and desist from advertising or labeling its cleaning fluid as non-injurious to fabric or color, has been issued against **X Laboratories, Inc., of New York City** and **Cambridge, Mass.**

The respondent is directed to discontinue advertising or labeling its "X Odorless Dry Cleaner" as non-injurious to any fabric or color, as leaving no ring on materials upon which it is used, or as a cleaner of spots from fabrics no matter how delicate.

No. 2600. Misrepresentation of the sanitary properties of absorbent cotton is prohibited under an order to cease and desist issued against **Gotham Aseptic Laboratory Co., Inc., of Long Island City, New York.**

Engaged in the manufacture and sale of surgical supplies, the respondent company is ordered to stop advertising or labeling cotton "sterilized" unless it is sterile and free of bacteria after it has been packaged and while contained in the original unbroken package.

Complaint Dismissed

No. 2147. The Commission has closed its case concerning the **Ray-X Water Corporation, of Toledo, Ohio,** against which a complaint had been issued alleging unfair competition in the sale of a distilled water said to have had medicinal properties. The Commission was advised that the respondent company's charter had been cancelled and that the company no longer exists.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 16

NEW—F. W. Atkinson, Watsonville, Calif.—C. P., **1310 kc.,** 250 watts, daytime.

NEW—Merced Star Publishing Co., Merced, Calif.—C. P., **1040 kc.,** 250 watts, daytime.

WJJD—WJJD, Inc., Chicago, Ill.—C. P., **1130 kc.,** 20 KW, limited time.

Tuesday, December 17

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—C. P., **890 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WMMN). Present assignment: **1450 kc.,** 500 watts, 1 KW LS, unlimited time.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license, **890 kc.,** 250 watts, 500 watts LS, unlimited time.

Wednesday, December 18

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—C. P., **1200 kc.,** 100 watts, 250 watts LS, shares with WJBL. Present assignment: **1200 kc.,** 100 watts, shares with WJBL.

Thursday, December 19

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

NEW—National Television Corp., New York, N. Y.—C. P., **2000-2100 kc.,** 500 watts, Emission A-3, A-4, unlimited time.

APPLICATIONS GRANTED

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted C. P. to move transmitter site locally in Carthage and make changes in equipment.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted C. P. to make changes in equipment; move transmitter from Kirkwood to five miles southwest of intersection of St. Louis Water Works Railroad and main line of Burlington R. R., 2/10ths of mile due east of Broadway, at intersection of Riverview Drive.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of C. P. to extend completion date from 12-18-35 to 1-18-36.

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. to extend completion date from 12-10-35 to 2-10-36.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted modification of C. P. approving composite equipment.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted modification of C. P. approving transmitter and studio sites at 3¾ miles west of Fairmont City Hall, and 208 Main St., respectively, in Fairmont, W. Va.; make antenna changes; extend commencement date to 30 days after grant and completion date to 180 days thereafter.

WEST—Asso. Broadcasters, Inc., Easton, Pa.—Granted modification of C. P. for antenna changes and approving transmitter site at Williams Township, Pa.

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Granted license to cover C. P., frequency **1200 kc.,** 100 watts, daytime.

WCOL—WCOL, Inc., Columbus, Ohio.—Granted license to cover C. P., **1210 kc.,** 100 watts, unlimited time.

KWG—Portable Wireless Tel. Co., Inc., Stockton, Calif.—Granted license to cover C. P., **1200 kc.,** 100 watts, unlimited time.

WHFC—WHFC, Inc., Cicero, Ill.—Granted modification of license to change specified hours to add one additional hour operating time from 7 to 8 a. m., Sundays only.

WDZ—James L. Bush, Tuscola, Ill.—Granted consent to voluntary assignment of permit and license from James L. Bush to WDZ Broadcasting Co. (frequency **1070 kc.,** 100 watts, daytime only; C. P. for **1020 kc.,** 250 watts, daytime).

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted modification of C. P. to make changes in equipment, extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KUOA—John Brown University, Fayetteville, Ark.—Granted consent for transfer of control of KUOA, Inc., by number of shares of stock (200) from Roberta Fulbright, Helen Fulbright, Douglas and Roberta E. Fulbright, to John Brown University.

WNEL—Juan Piza, San Juan, P. R.—Granted C. P. to make changes in equipment and increase power from 500 watts night and day to 1 KW night, 2½ KW day.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted C. P. to make changes in equipment.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted modification of C. P. to extend completion date from 12-16-35 to 1-16-36.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted authority to determine operating power by direct measurement of antenna power.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license to cover C. P., heretofore set for hearing; **950 kc.,** 1 KW night, 5 KW day, unlimited time.

NEW—Oregon State Agricultural College, Portable-Mobile (Corvallis, Ore.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts.

NEW—WTAR Radio Corp., Portable-Mobile (Norfolk, Va.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 5 watts, unlimited.

NEW—National Broadcasting Co., Portable-Mobile (New York City).—Granted C. P. and license (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 20 watts.

NEW—Radio Station WSCC, Inc., Portable-Mobile (Charlotte, N. C.).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 2 watts.

NEW—The Reynolds Radio Co., Inc., Portable-Mobile (Denver).—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.,** 1 watt.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KAST, Astoria, Ore.; KFJM, Grand Forks, N. Dak.; KGAR, Tucson, Ariz.; KGGC, San Francisco; KGKL, San Angelo, Tex.; KCKY, Scottsbluff, Nebr.; KIDW, Lamar, Colo.; KNOW, Austin, Tex.; KPLC, Lake Charles, La.; KXO, El Centro, Calif.; WACO, Waco, Tex.; WAGF, Dothan, Ala.; WAGM, Presque Isle, Me.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBS, Springfield, Ill.; WCNW, Brooklyn, N. Y.; WDAS, Philadelphia, Pa.; WDNC, Durham, N. C.; WEED, Rocky Mount, N. C.; WCHV, Charlottesville, Va.; WEHS, Cicero, Ill.; WELL, Battle Creek, Mich.; WGAL, Lancaster, Pa.; WGL, Fort Wayne, Ind.; WGPC, Albany, Ga.; WHBQ, Memphis; WHDF, Calumet, Mich.; WHEF, Kosciusko, Miss.; WHFC, Cicero, Ill.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WJBO, Baton Rouge, La.; WKBB, E. Dubuque, Ill.; WKBI, Cicero, Ill.; WKDV, Richmond, Ind.; WKBZ, Muskegon, Mich.; WKEU, Griffin, Ga.; WLAP, Lexington, Ky.; WLBF, Kansas City, Kans.; WLLH, Lowell, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMBR, Jacksonville, Fla.; WMBQ, Brooklyn, N. Y.; WMEX, Boston, Mass.; WMFD, Wilmington, N. C.; WMFO, Decatur, Ala.; WNBF, Binghamton, N. Y.; WPAR, Parkersburg, W. Va.; WPAY, Portsmouth, Ohio; WQDM, St. Albans, Vt.; WRDW, Augusta, Ga.; WRGA, Rome, Ga.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.; WWSW, Pittsburgh, Pa.; KMAC, San Antonio, Tex.; KONO, San Antonio, Tex.; KRKO, Everett, Wash.; KWBG, Hutchinson, Kans.

KGVO—Mosby's Inc., Missoula, Mont.—Granted renewal of license for the period ending June 1, 1936.

WSBC—WSBC, Inc., Chicago, Ill.—Granted renewal of license for the period ending June 1, 1936.

SET FOR HEARING

WLEU—Leo K. Omelian, Erie, Pa.—Application for renewal of license.

NEW—Robert Raymond McCulla, Oak Park, Ill.—Application for C. P. for new station, **1500 kc.,** 100 watts, unlimited time.

NEW—John E. Fetzer, Kalamazoo, Mich.—Application for C. P. for new station, **1010 kc.,** 500 watts night, 1 KW day, unlimited time. Site to be determined.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Application for C. P. to make changes in equipment; move transmitter from West Virginia Hotel, Bluefield, to near Bluefield; increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.

NEW—A. E. Hughes, d/b as Valdosta Broadcasting Co., Valdosta, Ga.—Application for C. P. for new station, **1500 kc.,** 100 watts, unlimited time.

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—Application for C. P. for new station, **1200 kc.**, 100 watts, S.H. Site to be determined.

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Modification of license to change specified hours to include 12 midnight to 1 a. m. Sundays; 12 midnight to 12:30 a. m. Tuesdays, Fridays and Saturdays.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Modification of license to change frequency from **1500 kc.** to **1200 kc.**

KGDM—E. F. Peffer, Stockton, Calif.—Modification of license, already in hearing docket, amended to read: Change power from 1 KW day to 1 KW day and night, and hours of operation from 9 p. m. to 12 midnight to limited time.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Consent for the transfer of control of Radio Air Service Corp (licensee station WHK) from The Plain Dealer Publishing Co. to the U. B. Company.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio. —Consent for the transfer of control of Cleveland Radio Broadcasting Corp. (licensee WJAY) from Monroe F. Rubin and Ruth Rubin to U. B. Company.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—C. P. (already in hearing docket) to move transmitter locally to an approved rural site on Point Heyer, 10 miles north of Tacoma; install new equipment and increase day operating power from 1 to 5 KW.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-93: Quincy A. Brackett, Lewis B. Breed and Edmund A. Laport, d/b as Conn. Valley Broadcasting Co., Springfield, Mass.—Granted C. P. for new station to operate on frequency **1140 kc.**, 500 watts, limited time, sustaining Examiner Melvin Dalberg. Order effective February 4, 1936.

NEW—Ex. Rep. No. 1-97: Worcester Broadcasting Co., Inc., Worcester, Mass.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, unlimited time. Examiner Dalberg sustained.

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, unlimited time, sustaining Examiner Dalberg.

NEW—The Hartford Times, Inc., Hartford, Conn.—Granted C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, daytime only, sustaining Examiner Dalberg. Order effective February 4, 1936.

NEW—Ex. Rep. No. 1-100: Oklahoma Press Publishing Co., Muskogee, Okla.—Granted C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time, subject to Rules 131, 132 and 139; Examiner John P. Bramhall sustained. Order effective February 11, 1936.

MISCELLANEOUS

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Denied petition for reopening hearing and for an order to take depositions in re application for new station held before an Examiner on October 29 and 30, 1935. Examiner is now writing report on evidence submitted.

Archer County Chamber of Commerce, Archer City, Tex.—Granted request to withdraw as protestant against removal of KGKO from Wichita Falls, Tex., to Fort Worth, Tex.

Chamber of Commerce, Walters, Okla.—Granted request to withdraw as protestant against removal of KGKO from Wichita Falls, Tex., to Fort Worth, Tex.

Geo. H. Adams and Henry D. Bratter, St. Paul, Minn.—Granted permission to intervene and to be made parties respondent at hearing on January 8, 1936, of application of Emmons L. Abeles and Robt. J. Dean, d/b as Wise Broadcasting Co., for C. P. for new station at St. Paul, Minn., to operate on **630 kc.**, 250 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WELI—Patrick J. Goode, New Haven, Conn.—Modification of
930 license to change hours of operation from daytime to unlimited time, requesting 500 watts power day and night, and change frequency from **900 kc.** to **930 kc.** Amended: Requesting 250 watts night power.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown,
1210 owner), Rochester, N. Y.—Modification of construction permit (B1-P-19) for a new station requesting changes in equipment and move of transmitter and studio from 14 Franklin, Rochester, N. Y., to Taylor Bldg., 328 Main St., E., Rochester, N. Y., and extend commencement date from 12-1-35 to date of approval.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.**, 100 watts.

NEW—Westinghouse Electric & Mfg. Co., Portable.—Construction permit for a new special experimental station to be operated on **31600, 35600, 38600, 41000, 55500, 60500, 86000-400000 kc.**, 500 watts.

NEW—Westinghouse Electric & Mfg. Co., Portable.—License to cover above.

Second Zone

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Modifica-
920 tion of construction permit B2-P-297 authorizing installation of new equipment, move of transmitter, and increase in power, requesting approval of transmitter site at intersection of Meyers and Eight Mile Road Oak Park, Michigan (as approved under B2-P-456).

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Modifica-
920 tion of construction permit (B2-P-297) authorizing installation of new equipment, move of transmitter, and increase in power, requesting increase in power from 1 KW, 5 KW day, to 5 KW day and night.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer,
1200 Mich.—License to cover construction permit (B2-P-820) for equipment changes.

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to
1210 increase power from 100 watts to 100 watts, 250 watts day, and make changes in equipment. Contingent upon the granting of application of WALR for move to Toledo, Ohio.

NEW—Continental Radio Co., Columbus, Ohio.—Construction per-
1310 mit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended to make changes in equipment.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Construction
1330 permit to make changes in equipment and move transmitter from Maud Road, ¾ mile southwest of Mason, Ohio, to southeast corner Warner and Chickashaw, Cincinnati, Ohio.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Authority to de-
1380 termine operating power by direct measurement of antenna.

NEW—WTAR Radio Corporation, Norfolk, Va.—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.**, 50 watts.

Third Zone

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Con-
1210 struction permit for equipment changes, change frequency from **1200 kc.** to **1210 kc.**; move transmitter from 512-516 S. Grand St. to Renwick St., Monroe, La. Amended to make changes in equipment and change transmitter site from Renwick St., Monroe, La., to Monroe, La.

NEW—Ted R. Woodard, Kingsport, Tenn.—Construction permit
1210 for a new station to be operated on **1210 kc.**, 100 watts, daytime.

WRR—City of Dallas Texas, Dallas, Tex.—Construction permit to
1280 install new equipment and move transmitter from Fair Park, Dallas, Tex., to Centennial Grounds, Dallas, Tex.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—
1300 Construction permit to make changes in equipment and move transmitter from Collins Island, Miami Beach, Fla., to 600 Biscayne Blvd., Miami, Fla.

NEW—J. R. Maddox and J. E. Richards, d/b as Tuscaloosa Broad-
1370 casting Co., Tuscaloosa, Ala.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, daytime.

WJBR—J. B. Roberts, Gastonia, N. C.—Voluntary assignment of
1420 construction permit from J. B. Roberts to Virgil V. Evans.

WHBB—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma,
1500 Ala.—Modification of construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime, requesting changes in equipment.

WHBB—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma,
1500 Ala.—License to cover construction permit (B3-P-89) as modified for a new station.

NEW—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Construction permit for a new general experimental station on **31600, 38600, 35600, 41000 kc.**, 50 watts.

Fourth Zone

WOW—Woodmen of the World Life Insurance Assn., Omaha, Nebr.
590 —License to cover construction permit (B4-P-120) as modi-

fied for new equipment and increase in day power. Also move of transmitter.

WOW—Woodmen of the World Life Insurance Assn., Omaha, Nebr.
590 —Authority to determine operating power by direct measurement of antenna power.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construc-
790 tion permit for a new station to be operated on **710 kc.,** 1 KW, daytime. Amended to change frequency from **710 kc.** to **790 kc.**

KFNF—KFNF, Inc., Shenandoah, Iowa.—Authority for consent to
890 transfer control of corporation from Henry Field Co. to Henry Field, 250 shares of common stock.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Modifica-
920 tion of construction permit authorizing increase in power, requesting approval of transmitter site at Live Stock Exchange Bldg., 1001 Exchange Avenue, Chicago, Ill.

WSBT—The South Bend Tribune, South Bend, Ind.—Construction
1010 permit to make changes in equipment, install directional antenna, change frequency from **1360 kc.** to **1010 kc.,** increase power from 500 watts to 1 KW, change hours of operation from S-WGES to unlimited, and move transmitter from 4½ miles west on U. S. 2, South Bend, Ind., to site to be determined, South Bend, Ind.

NEW—The Steffen Ice & Ice Cream Co., Wichita, Kans.—Con-
1210 struction permit for a new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to make changes in equipment and change frequency from **1500 kc.** to **1210 kc.**

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction
1250 permit to make changes in equipment, change frequency from **1200 kc.** to **1250 kc.,** power from 100 watts, 250 watts day, to 1 KW.

NEW—Star Chronicle Publishing Co., St. Louis, Mo.—Construc-
1250 tion permit for a new station to be operated on **1250 kc.,** 1 KW, unlimited time.

NEW—Burlington Broadcasting Co., Emmons L. Abeles, Secy.,
1310 Burlington, Iowa.—Construction permit for a new station to be operated on **1370 kc.,** 100 watts, unlimited time. Amended to change frequency from **1370 kc.** to **1310 kc.**

NEW—M. M. Oppegard, Grand Forks, N. Dak.—Construction per-
1310 mit for a new station to be operated on **1310 kc.,** 100 watts, 250 watts day, unlimited time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Con-
1460 struction permit to make changes in equipment and move transmitter from Radio Center, Minnesota, to approximately 3 miles west of present site, Radio Center, Minnesota.

NEW—WCBS, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 2 watts.

Fifth Zone

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of
850 construction permit (5-PB-3268) as modified for further equipment changes, move transmitter from corner Broadway and Glendale Blvds., Glendale, Calif., to corner Glendale Ave. and Glen Oaks Blvd., Glendale, Calif., and extend commencement and completion dates.

NEW—Harold Johnson and Leland Perry, d/b as Johnson & Perry,
1310 Cedar City, Utah.—Construction permit for a new station to be operated on **1500 kc.,** 25 watts, unlimited time. Amended to change frequency from **1500 kc.** to **1310 kc.,** power from 25 watts to 100 watts, and move transmitter and studio from 97 N. Main St., Cedar City, Utah, to site to be determined, Cedar City, Utah.

NEW—Alex F. Suss, Sacramento, Calif.—Construction permit for
1310 a new station to be operated on **1310 kc.,** 100 watts, unlimited time.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—
1320 Authority to transfer control of corporation from J. L. P. Robinson to Pacific Theatres & Supply Co., Ltd., 85%.

KIUP—C. Guy Shepard, Durango, Colo.—License to cover con-
1370 struction permit (B5-P-337) as modified for a new station.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Construction
1400 permit to make changes in equipment, increase power from 500 watts to 1 KW, and move transmitter from Riverdale Road ,approximately 4 miles southwest of Ogden, Utah, to site to be determined, Ogden, Utah. Amended to install 5-KW equipment, install directional antenna, and increase power from 1 KW to 1 KW night, 5 KW day.

NEW—Gomer Thomas, Bellingham, Wash.—Construction permit
1420 for a new station to be operated on **1420 kc.,** 100 watts, unlimited time.

NEW—Southwest Broadcasting Co., Prescott, Ariz.—Construction
1500 permit for a new station to be operated on **1500 kc.,** 100 watts, unlimited time. Amended to increase power from 100 watts to 100 watts, 250 watts day; make changes in equipment; and move transmitter from Pleasant St., approximately 100 feet south of Leroux St., Prescott, Ariz., to 1.9 miles south from center of business district, Prescott, Ariz.

W6XKG—Pen S. McGlashan, Los Angeles, Calif.—License to cover construction permit for a general experimental station on **31600, 35600, 38600, 41000 kc.,** 100 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS

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SEASON'S GREETINGS
to all
NAB MEMBERS
from the
WASHINGTON OFFICE STAFF

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RECOMMENDS INCREASED POWER FOR WADC

Broadcasting Station WADC, Tallmadge, Ohio, applied to the Federal Communications Commission to increase its daytime power from 2,500 to 5,000 watts local sunset. The station asked no change in its night power which is 1,000 watts. It operates on a frequency of 1,320 kilocycles, full time.

Examiner Melvin H. Dalberg in Report No. I-160 recommended that the application be granted. He found that granting the increased power would increase the usefulness of the service and in a considerable portion of the area covered by the station no other daytime service is now available.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Algold Mines, Ltd., Toronto, Canada (2-1800, Form A-1)
Lowell Gas Light Company, Lowell, Mass. (2-1801, Form A-2)
Marine Midland Corp., Jersey City, N. J. (2-1802, Form A-2)
Motors Securities Company, Inc., Shreveport, La. (2-1803, Form A-1)
William S. Drozda Realty Co., St. Louis, Mo. (2-1804, Form E-1)
Affiliated Fund, Inc., Jersey City, N. J. (2-1805, Form A-1)
Food Machinery Corporation, San Jose, Cal. (2-1806, Form A-2)

Because of the holiday and the fact that the Broadcast Division of the Federal Communications Commission will not meet, there will be no NAB Bulletin during the week of December 23rd.

RECOMMENDATION AGAINST NEW STATION

The Chicago Broadcasting Association filed an application with the Federal Communications Commission asking for a construction permit for a new station to be located at Chicago, Ill., to use 1500 kilocycles, 100 watts power and unlimited time.

Examiner Ralph L Walker in Report No. I-158 recommends that the application be denied. He found that the record fails "to disclose a need for an additional broadcast station assignment in Chicago." Interference would also be caused by granting the application, the Examiner states.

FIRE NEAR FCC

Several offices of the Federal Communications Commission were somewhat damaged by water and smoke last week when fire broke out in file rooms of the Reclamation Bureau of the Department of the Interior right across the hall.

The files of the Reclamation Bureau were practically demolished. The offices of Chairman Prall of the Commission, Secretary Peatty, the Docket Division and the meeting room of the Commission were directly across the hall from where the fire started. None of the files or papers of the Commission were damaged but considerable damage was done to the furniture and rooms.

FCC ANNOUNCES EDUCATIONAL COMMITTEE

Official announcement of the personnel of the Educational Committee has been made by the Federal Communications Commission together with statement of the purposes as follows:

The Commission, Broadcast Division, desires to announce that in compliance with the statements made by the Commission in its Report to Congress pursuant to Section 307 (c) of the Communications Act of 1934, a committee to be known as the Federal Radio Education Committee has been organized. Dr. John W. Studebaker, United States Commissioner of Education, has accepted the chairmanship of the committee.

Invitations for membership on the committee were sent to eminent persons in the fields of education and broadcasting. The letter extending invitations is quoted as follows:

"Section 307 (c) of the Communications Act of 1934 provides as follows:

> 'The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs, or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.'

"As a means of carrying out the wishes of Congress the Broadcast Division, by direction of the Commission, held public hearings from October 1 to 20 and from November 7 to 12, 1934. A total of 1,535 notices of the hearing were sent to all parties of record at the Commission and wide publicity was given the matter so that anyone interested might be informed of the hearing. A total of 135 witnesses appeared and 14,000 pages of testimony were presented for the Commission's consideration in addition to several thousand pages of exhibits.

"As a result of these hearings, the Commission on January 22, 1935, submitted to the Congress a report which contained the following recommendation:

> 'The Federal Communications Commission respectfully recommends that at this time no fixed percentages of radio broadcast facilities be allocated by statute to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities.'

"and assigned the following reasons:

> 'There is no need for a change in the existing law to accomplish the helpful purposes of the proposal.
>
> 'Flexibility in the provisions of the law is essential to regulation if growth and development in the art of broadcasting is to be encouraged and regulated for the best interest of the public as a whole.
>
> 'There are insufficient broadcast facilities available in the present development of the art to provide for specialized broadcast service consistent with a fair and equitable distribution of facilities and services throughout the country.
>
> 'No feasible plan for a definite allocation of broadcast facilities to non-profit organizations has been presented.
>
> 'The hearings developed no evidence of a real demand on the part of the great body of non-profit organizations or on the part of the general public for the proposed allocation of definite percentages of broadcast facilities to particular types or kinds of non-profit activities.
>
> 'It would appear that the interests of the non-profit organizations may be better served by the use of the existing facilities, thus giving them access to costly and efficient equipment and to established audiences, than by the establishment of new stations for their peculiar needs. In order for non-profit organizations to obtain the maximum service possible, cooperation in good faith by the broadcasters is required. Such cooperation should, therefore, be under the direction and supervision of the Commission.'

"A copy of the report to Congress is enclosed.

"In its report to the Congress the Commission proposed to hold an educational conference at which time plans for mutual cooperation between broadcasters and educational organizations could be made. That conference was held on May 15, 1935. It is the sincere belief of the Commission that the hearings, conferences, and constructive thought and experience given to this subject have produced a situation whereby within the present broadcast structure the educators on the one hand and the broadcasters on the other can combine forces which will:

> 1. Eliminate controversy and misunderstanding between groups of educators and between the industry and educators.
> 2. Promote actual cooperative arrangements between educators and broadcasters on national, regional and local bases.

"The Broadcast Division of the Commission is setting up a committee to carry on this work and Dr. John W. Studebaker, United States Commissioner of Education, has accepted the Chairmanship of the Committee. We desire that you accept membership on this Committee.

"A sufficient budget for expenses of the committee has been pledged, half of it by the National Advisory Council on Radio in Education on behalf of educational interests and half by the National Association of Broadcasters on behalf of broadcast stations. It is expected that a small planning committee will be organized for the purpose of collecting and correlating data on which the main committee may base its deliberations, thus reducing to a minimum the amount of time the full committee will have to give, consistent with a fair and impartial consideration of the subject. This small committee may also undertake certain definite projects in keeping with the general purposes of the committee.

"The Commission is too familiar with the whole scope of educational broadcasting, its limitations and its possibilities, to expect any panacea, but we do believe that coordination and cooperation at this time will give results to the end that radio broadcasting can be further utilized as an effective medium for education.

"We sincerely hope that you will accept membership on this Committee."

This letter was sent to forty persons. The acceptances are listed below:

Mr. Waldo Abbott, University of Michigan; Mr. Merlin Aylesworth, President, National Broadcasting Company; Mr. James W. Baldwin, Managing Director, National Association of Broadcasters; Mr. Edgar Bill, Radio Station WMBD; Dr. S. Parks Cadman, Federal Council of Churches of Christ in America; Dr. Morse A. Cartwright, Director, American Association for Adult Education; Dr. W. W. Charters, Director, Bureau of Educational Research, Ohio State University; Dr. Harry W. Chase, Chancellor, New York University; Mr. Gardner Cowles, Jr., Des Moines Register; Mr. Lester E. Cox, Radio Station KWTO; Mr. Edwin Craig, Radio Station WSM; Dr. A. G. Crane, President, University of Wyoming; Dr. Walter Damrosch, National Broadcasting Company; Mr. Milton S. Eisenhower, Director of Information, Department of Agriculture; Mr. John Elmer, Radio Station WCBM; Mr. O. D. Fisher, Station KOMO; Mr. Leo J. Fitzpatrick, President, National Association of Broadcasters; Mr. Willard Givens, Secretary, National Educational Association; Mr. Tom C. Gooch, Daily Times Herald; Mr. William Green, President, American Federation of Labor; Mrs. Rose Jacobs, President, Hadassah Women's Zionist Organization; Father Geo. W. Johnson, Catholic University of America; Dr. C. B. Jolliffe, Radio Corporation of America; Mr. Lamdin Kay, Station WSB; Mr. John F. Killeen, Director of Broadcast Division, Federal Communications Commission; Dr. Cline M. Koon, Office of Education, Department of Interior; Mrs. B. F. Langworthy, President, National Congress of Parents and Teachers; Miss Luella S. Laudin, Women's National Radio Committee; Mr. H. B. McCarty, President, National Association of Educational Broadcasters, University of Wisconsin; Mr. A. J. McCosker, President, Bamberger Broadcasting Service, Inc.; Mrs. Harold V. Milligan, President, Women's National Radio Committee; Dr. Robert A. Millikan, President, California Institute of Technology; Mr. William S. Paley, President, Columbia Broadcasting System; Mr. A. D. Ring, Asssstant Chief Engineer, Federal Communications Commission; Mr. John Shepard, III, President, Shepard Broadcasting Company; Dr. Levering Tyson, Director, National Advisory Council on Radio in Education; Miss Judith C. Waller, Mid-West Educational Director, National Broadcasting Company; Mr. Frederick A. Willis, Columbia Broadcasting System; Mr. Geo. F. Zook, President, American Council on Education.

Agenda are being prepared for the first meeting which will be called by Chairman Studebaker. It is expected this meeting will be called during the middle or latter part of January. Any member of the committee desiring a copy of the report to Congress as mentioned in the letter above, may obtain same by addressing a request to the Communications Commission.

MUSIC—RESTRICTIONS

PLEASE NOTE:

The writer is the copyright owner of the following four musical compositions by Ring-Hager (Justin Ring and Fred Hager).

Records of these compositions were issued by the R. C. A.-Victor Co. this month (Dec. 1935) and this is to notify you that the performing right is the property of the authors, and that the copyright owner and authors are *not* members of any authors' society or connected with any music publishers' association whereby the performing right for the use of these compositions can be, or have been, released for public performance; therefore you will please notify the various broadcasting stations of your association accordingly.

Titles of the compositions with Victor Record numbers are as follows:

Victor Records by Victor Novelty Orchestra, Directed by Justin Ring, Issued December 1935.

"From The Toyland Suite"—by Ring-Hager

1—"THE THEATRE OF THE DANCING DOLLS"	Victor Record # 25176 A
2—"KIDDIES ON PARADE"	Victor Record # 25176 B
3—"CHRISTMAS EVE" (Fantasia)	Victor Record # 25177 A
4—"GRANDMA'S MUSIC BOX"	Victor Record # 25177 B

FRED HAGER, Copyright Owner.

SHORTWAVE INSTITUTE ORGANIZED

To stimulate the development of shortwave radio by fostering the public interest in international broadcasting, radio telephony, radio telegraphy and television, the Shortwave Institute of America has been organized here with offices in the National Press Building. The president of the institute is Oswald F. Schuette, who has an international reputation as a newspaperman and is now president of the Radio Program Foundation.

Five million shortwave radio sets are in use in American homes and it is estimated that 5,000,000 more will be sold in 1936. About 100 shortwave stations of recognized international importance are broadcasting daily. At present, however, there are no facilities for the dissemination of their complete programs. It will be one of the purposes of the Shortwave Institute to provide a clearing house for these schedules and to arrange for their distribution to set owners.

NOVEMBER RADIO STATION CORRECTIONS

The Federal Communications Commission has issued the following alterations and corrections to the broadcast list issued by it on January 1 last:

Call Letters	*Studio Location*	*Alterations and Corrections*	*Quota Units Night*	*Day*
KGDM	Stockton, Calif.	Power 1 kw	No change	
KOIL	Council Bluffs, Iowa	Licensee: Central States Broadcasting Co.	No change	
KPDN	Pampa, Texas	C. P. New, Permittee: Pampa Daily News, Inc., Frequency 1310 kc, Power 100 watts, hours of operation, daytime	...	...
KPJM	Prescott, Ariz.	Strike out all particulars		
KSO	Des Moines, Iowa	Power 500w - 1kw - LS Transmitter, North of Des Moines	No change	
KTRH	Houston, Texas	Frequency 1290 kc, power 1kw - 5kw - LS, Strike out S. A. Exp.	No change	
WAAF	Chicago, Ill.	C. P. power 1kw-LS	...	0.5
WAGF	Dothan, Ala.	Power 250 watts, hours of operation, daytime	No change	
WBHS	Huntsville, Ala.	Strike out all particulars		
WEHC	Charlottesville, Va.	Call letters changed to WCHV	No change	
WEOA	Evansville, Ind.	C. P. New, Permittee: Evansville on the Air, Frequency 1370 kc, power 100 watts, hours of operation unlimited time	...	...
WFBM	Indianapolis, Ind.	Transmitter, Near Millersville, Ind.	No change	
WGBI	Scranton, Pa.	C. P. Power 500 watts	No change	
WHLB	Virginia, Minn.	C. P. New, Permittee: Head of the Lakes Broadcasting Company, Frequency 1370 kc, power 100 watts, hours of operation, unlimited time	...	...
WJAS	Pittsburgh, Pa.	Transmitter, Pittsburgh	No change	
WJTL	Atlanta, Ga.	Licensee: J. W. Woodruff & S. A. Cisler, Jr., d/b as Atlanta Broadcasting Company. Call letters changed to WATL	No change	
WMC	Memphis, Tenn.	C. P. Power 5kw-LS (Directional antenna at night)	0.5	0.85
WNAX	Yankton, S. Dak.	Licensee: WNAX Broadcasting Company	No change	
WNOX	Knoxville, Tenn.	Licensee: Continental Radio Company	No change	
WRJN	Racine, Wis.	C. P. 250w-LS	0.1	0.2
WWJ	Detroit, Mich.	C. P. Power 5kw	...	0.85

RECOMMENDS AGAINST NEW PENNSYLVANIA STATION

Robert E. Cole filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Washington, Pa., and to use 1350 kilocycles, 250 watts power and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-159 recommended that the application be denied. The Examiner found that the granting of the application would cause interference. The testimony shows also, the Examiner states, that it is proposed later to organize an operating company.

NEW NORTH DAKOTA STATION RECOMMENDED

D. A. Gibbs, Jr., and E. H. Shemorry applied to the Federal Communications Commission for a construction permit for the erection of a new station at Williston, N. D., to use 1500 kilocycles, 100 watts power and specified hours of operation.

Examiner Melvin H. Dalberg in Report No. I-156 recommends that the application be granted. It was found by the Examiner that "there is an appreciable demand for service especially suited for local needs" in and about Williston. It was further found by the Examiner that "there is no question of interference with the fair and efficient service of existing stations or by reason of pending applications and it is apparent that the public interest, convenience and necessity would be served by the granting of this application."

INCREASED POWER RECOMMENDED FOR KARK

Broadcasting Station KARK, Little Rock, Ark., applied to the Federal Communications Commission to increase its power from 250 watts night and 500 watts to local sunset to 500 watts night and 1,000 watts local sunset. The station operates on a frequency of 890 kilocycles, unlimited time.

Examiner P. W. Seward, in Report No. I-157, has recommended that the application be granted. He found that the need for additional service exists in the areas, and that the granting of the application "will not adversely affect any existing stations by reason of interference to any appreciable extent."

TWO CASES DISMISSED

The Tampa Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Tampa, Florida, to use 1370 kilocycles, 100 watts power and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-151 has recommended that the application "be dismissed with prejudice." No one appeared on behalf of the applicant at the hearing.

A similar recommendation was made by the same Examiner for the same reason in Report No. I-152 in the application of D. B. Sutton, for a new station at Miami, Florida, to use 1210 kilocycles, 100 watts power and unlimited time. On the hearing being called no one appeared for the applicant.

RECOMMENDS INCREASING WJAR POWER

Application was made to the Federal Communications Commission by station WJAR, Providence, R. I., to increase its power to 1,000 watts day and night from 250 watts night and 500 watts to local sunset. The station operates unlimited time on 890 kilocycles.

Examiner P. W. Seward, in Report No. I-155 recommends that the application be granted "if a directional antenna be used to protect other existing radio stations." He found that there would be no interference if the directional antenna is used.

DENIAL RECOMMENDED FOR NEW STATION

The St. Petersburgh Chamber of Commerce filed an application with the Federal Communications Commission for a construction permit for the erection of a new station to use 1310 kilocycles, 100 watts power and unlimited time at Petersburgh, Florida.

Examiner John P. Bramhall in Report No. I-154 recommended that the application be denied. It is pointed out by the Examiner that the Lake Region Broadcasting Company has a station just 47 miles from this proposed new station at St. Petersburgh and this precludes the granting of the application.

RECOMMENDS ANOTHER NORTH DAKOTA STATION

The Roberts-McNab Company filed an application with the Federal Communications Commission asking for a construction permit to erect a new station at Jamestown, N. D., to use 1310 kilocycles, 100 watts power and unlimited time on the air.

Examiner Melvin H. Dalberg, in Report No. I-153 has recommended that the application be granted. The Examiner found that the evidence showed the need for additional radio service in the area proposed to be covered. He states that no interference would be caused by the granting of the application.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2644. A complaint has been issued against **Paul Greenberg, of Springfield, Mass.,** trading as **Beverly Products Co.,** and selling Beverly Femin Tablets and Beverly Menses Tablets.

The complaint alleges that Beverly Femin Tablets are not an effective and potent antiseptic as advertised and the menses tablets are a temporary palliative not dependable for relief of the conditions for which it is advertised.

No. 2646. Alleging unfair competition in the sale of bar fixtures and equipment in interstate commerce, a complaint has been issued against **DeLuxe Manufacturing Co. of Detroit.**

Among the items sold by this company are drafting arms, pumps, rods, tap sets, wooden faucets, and other products of like character, which, according to the complaint, the respondent company assembles into finished units of bar fixtures and equipment.

No. 2647. Manufacturing baseball caps from felts obtained from old, used, discarded and second-hand hats, and selling them under the trade name **"Esta Hat Company,"** the **Shapiro Felt Rug Co., of Newark, N. J.,** is charged with unfair methods of competition in a complaint. Besides the respondent company, the complaint names as respondents, **William, Morris** and **Sarah Shapiro,** individuals, trading as **Esta Hat Co.**

Pointing out that the respondents are in substantial competition with other corporations, firms and individuals engaged in the sale of baseball caps manufactured from new felt bodies, the complaint alleges that the cost to the respondents of obtaining and renovating the old hats into baseball caps is much less than the cost to manufacturers of making new baseball caps of similar quality, and that the respondents are thereby able to sell their caps to dealers and the public at substantially lower prices than manufacturers of new caps.

No. 2648. Unfair competition in the sale of correspondence courses is alleged in a complaint against the **American College,** of 510 North Dearborn Street, **Chicago,** also the **American University,** and **Denton N. Higbe,** president and principal stockholder of the two companies, having headquarters at the same address.

The respondents are alleged to have unfairly used in their trade names the words "college" and "university". The complaint points out that neither company conducted a "college" or "university" within the popular and general conception of these words.

No. 2649. A complaint has been issued against **M. Swift & Sons, Inc., of Hartford, Conn.,** manufacturer of gold leaf used in gold lettering on signs and in gilding articles like badges and lead pencils. The complaint alleges unfair competition through use of the slogan "Always Heavier," when in fact the product advertised is not always heavier than similar products sold by competitors for like purposes.

No. 2650. Six of the country's largest manufacturers of wooden ware used in the packaging of butter, and the trade association of which these companies are the principal members, have been served with a complaint charging violation of the Federal Trade Commission act by entering into agreements to fix uniform prices, and with unlawful price discrimination, in violation of the Clayton Act.

Manufacturers named as respondents are: **Menasha Wooden Ware Corporation, Menasha, Wis.; Creamery Package Manufacturing Co.,** 1243 West Washington Boulevard, **Chicago; Elgin Butter Tub Co., Elgin, Ill.; Wisconsin Butter Tub Co., Marshfield, Wis.; Bousfield Wooden Ware Co.,** 2524 Marshall Avenue, N. E., **Minneapolis,** and **Storey City Butter Tub Co.,** of **Storey City, Iowa.**

The respondent trade association is the **Butter Tub Manufacturers' Council,** with headquarters in **Cleveland.** Also named as respondent is **D. S. Hunter,** individually and as commissioner of the **Butter Tub Manufacturers' Council.**

Engaged in the manufacture of butter tubs from ash and spruce lumber, the five companies named make and sell more than 90 per cent of the total volume of butter tubs sold in interstate commerce in the United States, according to the complaint. Since September, 1932, they are alleged to have executed an understanding, agreement, combination or conspiracy among themselves and with and through the trade association and D. S. Hunter, to restrict and suppress competition in the sale of butter tubs to jobber and creamery customers by agreeing to fix uniform prices, terms and discounts at which tubs were to be sold, and by cooperating with one another in enforcing and maintaining the prices, terms and discounts by exchange of information through the association.

The complaint alleges that in furtherance of their understanding or agreement, the respondent companies, in September, 1932, organized in Milwaukee the council as a voluntary, unincorporated association composed of butter tub manufacturers of the United States, and that the council has acted as a clearing house for statistical information submitted by the corporate respondents, including daily reports as to the quantity of butter tubs sold, and the prices, discounts and terms.

No. 2651. A complaint has been issued against the **Newark Felt Novelty Co., Inc., of Newark, N. J.,** alleging unfair methods of competition in the sale of baseball caps made from felts obtained from old, used, discarded and second-hand hats.

No. 2652. Charging unfair competition in the sale of a ten-volume encyclopedia in interstate commerce, a complaint has been issued against **Bernhart P. Holst, of Boone, Iowa,** trading as **Holst Publishing Co.; Bertram P. Holst, of Boone, Iowa,** manager and agent, and the following persons acting as agents for **Bernhart P. Holst: C. M. Sellards,** 365 Twenty-fifth Avenue, **San Francisco,** trading as **Progressive Research Service; Charles U. Branch,** of 257 South Spring St., of **Los Angeles,** trading as **National Press Service,** and **S. R. Melching,** of **Boone, Iowa,** trading as **International Press Service.**

The complaint charges that the encyclopedia, called "Progressive Reference Library," is purchased from Bernhart P. Holst by his agents for $12.50 a set and sold to the public at $49.50 on monthly payments under a contract alleged to involve loans by Bernhart P. Holst to his agents on their promissory notes for 60 per cent of the face value of each contract, such contracts being assigned as collateral security for the loans. In cases of default by purchasers, Holst is said to undertake collections on the pretext that he is an innocent purchaser for value.

No. 2654. LaSalle Extension University, of Chicago, conducting a school for vocational training on both the correspondence and residential plans, has been served with a complaint charging unfair competition in the use of the words "Extension University" in its corporate name, when in fact, according to the complaint, the school is not a university.

The complaint says the term "Extension University" as used is false and misleading in that it creates in the minds of those interested in education by correspondence courses, the belief that the respondent company is in fact a "university," which term is generally accepted and understood to mean an educational institution of higher learning. The complaint points out that the school confers only one degree, that of LL.B in its law course.

Nos. 2655-2656. Alleging unauthorized use of well-known trade names and the appropriation of the reputation and good will of established companies, complaints have been issued against the **Knight Electric Co., Inc.,** and **King Trading Corporation,** both of **New York City**, and engaged in selling radio receiving sets, tubes and accessories.

Among the names used by these respondents were "Majestic International", "Victor International", "Edison Radio Stores", and "Victor Radio Stores", according to the complaint.

The complaint points out that the name "Majestic" has long been associated with radio receiving sets, and is the legal property of the Grigsby-Grunow Company, original makers of radio sets branded with that name, while the names "Victor" and "Edison" are well known as the property of the RCA-Victor Company and Thomas A. Edison, Inc., respectively.

These names were used on plates and labels on receiving sets, tubes and accessories, were furnished to retailers for their use in selling such articles, according to the complaint, and were used also on cartons, containers, letterheads and other printed matter.

The complaint alleges that use of the names "Majestic", "Victor", and "Edison", without authority of the owners, gives to the respondents an advantage over competitors who do not use these names, because the true origin of the respondents' products is concealed, and a reputable but false origin attributed to them. This is alleged to constitute unfair competition.

Stipulations

The Commission has announced the following cease and desist orders:

No. 1528. Apex Color Works, Inc., of 50 West Broadway, New York City, agrees in its stipulation to cease and desist from the use, on labels affixed to its product, of the words "white lead" to describe a paint, the pigment content of which is not composed of white lead. The company also agrees to stop employing the word "lead" in connection with the word "white", or with other words implying that the pigment content is composed of white lead, when this is not true.

No. 1529. Walgreen Company, of 744 E. Bowen Street, Chicago, dealer in a dog food product designated "Po-Do," agrees to stop using on container labels representations to the effect that the preparation has been "prepared from a formula developed by specialists in animal nutrition," when this is not true, and from using on labels or in any other way language implying that the formula under which the food is prepared was developed or compiled by veterinarians or experts in animal nutrition, or that the product has been endorsed by specialists as suitable for dogs, when this is not true.

No. 1530. Karl W. Neu, of Arlington Heights, Ill., trading as Industrial Rug Company, selling chenille rugs through agents engaged in house-to-house canvass, agrees to cease advertising that "by dealing direct with our representative, you eliminate profits of wholesalers, retailers and other middlemen," and from use of phrases such as "our mill," and "direct to you from the mill," or similar representations, either independently or in connection with pictures implying that the respondent manufactures the products he sells or that he owns and controls the factory in which they are made, when this is not true. The respondent also agrees to stop using or authorizing others to use representations implying that his products are made in their entirety by blind people or by blind people in local institutions, when this is not true.

No. 1531. Max Axelrod and Jacob Mendelson, trading as King Shirt Company, 623 Broadway, agree to discontinue use of the phrases "Genuine Imported English Broadcloth" and "Finest Broadcloth Finish" to describe products not imported from England, not made in England, or not having fine broadcloth finish, and to cease using the word "Pre-shrunk" to describe products which have not been pre-shrunk, as that term is generally understood by the trade and public. The cloth from which the shirts were made had not been subjected to treatment eliminating shrinkage beyond a reasonable tolerance, according to the stipulation.

No. 1532. Aarons Manufacturing Company, Inc., 40 West 27th Street, agrees to abandon the use on brands or labels or otherwise, to describe its products, of the word "Full-shrunk," or other words of equivalent meaning, to designate shirts which have not been full-shrunk as that term is understood by the trade and the public.

No. 1533. Somerset Shirt Co., Inc., 1150 Broadway, agrees to discontinue use of the words "Broadcloth" or "English Broadcloth" in any way which may tend to deceive buyers into believing that the products so described are made of broadcloth, when this is not true, and from the use on labels or in other ways descriptive of its products of the word "Pre-shrunk" to designate articles which have not been pre-shrunk.

No. 1534. New York Merchandise Company, Inc., of 32 West 23rd Street, New York City, engaged in the importation of novelties and other similar products, including rubber toys, agrees to stop selling in interstate commerce articles in imitation of the products of the Sun Rubber Company, of Barberton, Ohio. According to the stipulation, the respondent company imported from a foreign country and sold in competition with the products of Sun Rubber Company two toys simulating products originally sold by Sun Rubber Company. The result was, according to the stipulation, that trade was restrained, the public misled, and the Sun Rubber Company injured.

No. 1535. Allcock Manufacturing Company, of Ossining, N. Y., manufacturer of cosmetics including a product called "Manicare," will abandon the use in advertisements of the allegation that "It removes cuticle without acids," or other representations of equivalent meaning, implying that competitors' products for the removal of cuticle contain acids, when this is not true. The stipulation points out that no cuticle remover has acid in it, and the representation or implication that competitors' products contain acid is false and misleading and a disparagement of competitive products. The company also agrees to stop employing the representation, "It feeds the nails with the oils which they need to make them healthy," or other similar representations tending to deceive buyers into believing that the respondent's product supplies the nails with nourishment. The stipulation points out that the human skin or nails are nourished from the blood only, and that the representation that "Manicare" feeds the nails with oils is false and misleading.

No. 1536. Henry Barletta and Mary F. Barletta, of 224 S. Essex Avenue, Orange, N. J., trading as Barletta & Co., agree to stop employing words such as "Milano," "Importati," "Importato," or "Importers," either independently or in connection with other words implying that the flavoring extracts referred to are imported from Milan, Italy, or that the co-partners are importers, when this is not true. The stipulation points out that the products labeled and represented by Italian names were manufactured or compounded in the United States.

No. 1537. Podel Brothers, of 270 Lafayette Street, New York City, engaged in manufacturing watch findings, including wrist watch strap buckles, agree to cease and desist from use of the words and symbols "P. B. Gold Shell" as a stamp or brand on any of their products, unless such articles contain a layer or shell of gold of substantial thickness on the outside, and unless the words are preceded by designation of the alloy of the gold used in the shell, and by a fraction designating the correct proportion of the weight of the layer or shell of gold to the weight of the entire article.

No. 1538. New York Merchandise Co. Inc., of 32 W. 23rd St., New York City, engaged in importing toothpicks manufactured in a foreign country, agrees to discontinue use on brands or labels of the words and phrases "sanitary," "packed by machinery," and "automatically packed," to describe products not manufactured and packed under these conditions. The company agrees not to use these words and phrases to describe its products, which are in fact packed by hand and under conditions other than sanitary, according to the stipulation.

No. 1539. Monroe Chemical Company, of Quincy, Ill., manufacturing a cleaning fluid, will discontinue in the sale of its product the use of certain words or phrases which may tend to deceive buyers into believing that the colors of fabrics dyed with non-fast or fugitive dyes will not be harmed by application of the respondent's product, or that the product will not leave a stain, mark or ring when applied to spots on certain fabrics or materials.

No. 1540. Engaged in the manufacture of an alleged rat and roach exterminating powder, **Walter E. Perry, trading as Bestyet Products Company,** with headquarters in Burlington, N. C., stipulates that he will desist from using in advertising or on labels the assertion that his product kills rats or mice and leaves no odor, or other representations of similar import or meaning, when this is not true. He will also discontinue any representations tending to deceive buyers into believing that his product will kill rats and mice and will mummify or dry up the dead bodies without leaving an odor, when this is not true. Perry agrees to cease employing on labels or otherwise the contradictory statement that the product is a "mild poison compound of 14 different rat foods, not poisonous."

No. 1541. Among the products manufactured by **Elmer E. Wade, of Orange, N. J., an individual trading as Anna Eliza-**

beth Wade, are flavoring extracts, gelatin desserts, pudding preparations, cocoa and malt beverages, shaving creams, tooth pastes and greeting cards. In his stipulation, Wade agrees to stop distributing samples of his gelatin dessert preparations so composed that they are not truly representative of the products he sells, and from advertising that his articles are prepared in accordance with an old-time family recipe, or that they are triple flavored, or are more highly flavored than competing products. Wade also will cease asserting that his products are sold at lower prices than those of competitors, and he will desist from labeling his extracts as "strawberry," "apricot-almond," "raspberry," "loganberry," or by other fruit names without at the same time disclosing that they are flavored, in whole or in part, with synthetic flavors. He will discontinue using the names of fruits in any way which may tend to deceive buyers into believing that the products so labeled are flavored wholly with the fruit juice named, when, according to the stipulation, this is not true.

No. 1542. Advertisements that the **Portola Distributing Company, of San Leandro, Calif.,** is a nationally known organization, will be discontinued by F. D. Brelsford, who, under the name of this company, engaged in the purchase and resale of religious and educational books. He distributes them through representatives, by house-to-house canvass. In his stipulation Brelsford agrees that in selling the books he will not represent that the Portola Distributing Company, the Portola Eugenic Bureau or the Bible Readers' Club, were organized to engage in social welfare work, and that the work of the company is endorsed by the National Parent-Teacher Association, or by Better Business Bureaus, and that ministers of the gospel will gladly give their endorsement of its work, when this is not true. Brelsford also agrees to stop advertising that his representatives are not saleswomen or solicitors.

The stipulation points out that there is no reason to believe that the respondent's work would have received endorsement of ministers, and while it was probably true that a need for real welfare service existed, neither F. D. Brelsford nor Portola Distributing Company was engaged in furnishing such service.

No. 1543. In Omaha, Neb., the **Standard Chemical Manufacturing Company,** makes certain alleged stock remedies, one of which is in the form of tablets called "Sulpho-Carb," and another is designated "P-O," according to the stipulation. This company is said to have advertised that "Sulpho-Carb" tablets contain powerful ingredients to kill the germs of the two greatest enemies of baby chicks, namely coccidiosis and white diarrhea.

The company agrees to discontinue advertising implying that "Sulpho-Carb" will prevent chicks from becoming infected by germs taken from food or other sources, or that the product will kill occidiosis and white diarrhea germs or keep disease away, when these are not the facts.

The company will discontinue other advertising representations regarding its product "P-O" for hogs or poultry, and will cease asserting that the formula for "Sulpho-Carb" tablets was taken originally from United States Farmers Bulletin Number 1337, unless this allegation is conspicuously accompanied by other representations aptly explaining that the formula for the preparation presented in that bulletin is a treatment for coccidiosis in poultry found by subsequent experience to be of little value in the control of that disease, and supplanted in 1931 by United States Farmers Bulletin Number 1652, which was revised in 1933.

Nos. 1544-1545-1546. Misleading allegations in the advertisement of woods or wood products will be discontinued by three respondents entering into stipulations with the Commission. Articles not made from wood derived from trees of African origin and of the botanical walnut family, will not be described for sale as "African walnut" or "walnut" by **Consider H. Willett, Inc., of Louisville, Ky.,** distributor of bridge tables made from various woods; by **Hoosier Panel Company, of New Albany, Ind.,** distributor of plywood, panels and veneers for radios, tables, and other furniture, and by **The Mengel Company, of Louisville,** manufacturer of lumber, veneer, veneer plywood panels, and other lumber products. The three companies signed stipulation agreements to that effect.

No. 1547. Alliance Distributors, Inc., of 153 Fifth Avenue, New York City, importer and distributor of whiskeys and distilled spirits, agrees to abandon the use in advertisements of representations that its products is "bottled in bond," and "made from the finest American grains," or similar expressions which may tend to deceive buyers into believing that the product is bottled in bond in the United States of America, when this is not true. The respondent also agrees to stop representing on labels that its product is bottled in bond under supervision of the Cuban Government, when this is not true.

No. 2139. Misrepresentation of a hair dye as a hair tonic capable of stimulating bodily functions to produce pigmentation and impart color to the hair, is prohibited in an order to cease and desist issued against **Vasco Products, Inc., of Brentwood, Md.,** and **William M.** and **Kittie M. Lea,** of **Tampa, Fla.,** formerly trading as **Lea's Tonic Company.**

This order applies to a hair treatment consisting essentially of a saturated solution of lead chloride, and composed substantially of alcohol, water, glycerine, sulphur and lead chloride, or of the same ingredients as "Lea's Hair Tonic," sold by the respondents.

Use of the word "tonic," either in the name of the preparation or in describing the manner of its action or effect of its use, is prohibited, and the respondent is directed to cease representing in newspaper and magazine advertisements, or in testimonials received from or purporting to have been received from users, or by means of radio broadcasting, that any preparation, composed either of the same or substantially the same ingredients as Lea's Hair Tonic, by its application to the scalp or hair stimulates bodily functions so that pigmentation is produced, imparting color to the hair. The respondent is directed not to represent that such preparation causes color to be imparted to the hair of the user in any other manner than as a dye or dyeing agent.

No. 2288. An order to cease and desist has been issued against the **Arte Products Co., Inc.,** of 18 Leonard Street, **New York City,** prohibiting use of certain Italian names in connection with the sale of olive oil, compound vegetable oil, and related products.

The order bans use of the words "Lucca," and "San Remo," or the name of any other city, district or province in Italy, as a brand or label for olive oil, implying to purchasers that the product was imported from either the Lucca district of Tuscany province, or the San Remo district of Liguria province, Italy, or from any other Italian city, district or province, unless and until this is true.

SUPREME COURT ON FTC CASE

No. 1329. The Supreme Court of the United States has denied a petition for a writ of certiorari filed by the Armand Company, Inc., of Des Moines, Iowa, manufacturer of toilet articles and cosmetics.

In filing the petition for writ of certiorari, which was done on November 1, last, counsel for Armand Company, Inc., sought to obtain a review of the decision of the U. S. Circuit Court of Appeals for the Second Circuit (New York City), handed down on July 1 last, in which decision that Court unanimously affirmed a cease and desist order by the Federal Trade Commission directed against the maintenance by the Armand Company, Inc., through the medium of expressed or implied agreement, of resale prices for its products fixed at arbitrary levels imposed by the company.
Court of Appeals leaves the decision of the latter court as the

Refusal of the Supreme Court to review the judgment of the Court of Appeals leaves the decision of the latter court as the last word in that case. In its opinion that Court said:

> "It was found as a fact by the Commission that the chief objective of petitioner's merchandising policy was the maintenance of the wholesale and retail prices suggested by the petitioner for its products, and that the direct effect of petitioner's practices had been and now is to suppress competition among wholesalers and between retail dealers engaged in the distribution and sale of petitioner's products. The further effect was the constraint imposed upon wholesale and retail dealers in selling petitioner's products at prices fixed by the petitioner, and the preventing of sale by such dealers of petitioner's products at prices which such dealers desired, thereby depriving the ultimate purchaser of petitioner's products of that advantage of price which otherwise would be theirs in a natural and unobstructed flow of commerce under free competition.
>
> "The Commission concluded that the petitioner's practices were to the prejudice and injury of the public and constituted unfair methods of competition in commerce and a violation of Sec. 5 of the Trade Commission Act. The findings of the Commission are amply supported by the evidence. The evidence supports the finding that by agreements between petitioner and its dealers it maintained prices and prevented those who would not do so from securing petitioner's products. * * * The policy in question had a tendency to stifle competition and was unlawful."

Attorney for the Armand Company, Inc., in the case was Charles Wesley Dunn, of New York. Attorneys for the Commission appearing in the case were W. T. Kelley, Chief Counsel, Martin A. Morrison, Assistant Chief Counsel, and James W. Nichols, of the Commission's legal staff.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

Because of the holidays no hearings have been set at the Commission for the week beginning December 23 or December 30. The next hearings scheduled begin the week of January 6.

APPLICATIONS GRANTED

KCMC—North Miss. Broadcasting Co., Texarkana, Ark.—Granted C. P. to make changes in equipment.

WRR—City of Dallas, Tex.—Granted C. P. to install new equipment, and move transmitter locally about 1/5 mile to Centennial Grounds, Dallas, Tex.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted license to cover C. P.; **1310 kc.,** 250 watts; daytime.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted license to cover C. P. authorizing changes in equipment and moving transmitter to new site; **1380 kc.,** 500 watts. Simul-D, WSMK, S. H. night.

KHJ—Don Lee Broadcasting System, Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

WGCM—WGCM, Inc., Gulfport, Miss.—Granted consent to transfer of control of WGCM, Inc., from Grace Jones Stewart to Sam Gates; **1210 kc.,** 100 watts night, 250 watts day, unlimited.

WOC—The Palmer School of Chiropractic, Davenport, Ia.—Granted consent to voluntary assignment of license from the Palmer School of Chiropractic, to Tri-City Broadcasting Co. (**1370 kc.,** 100 watts night, 250 watts day, unlimited.)

WSCN—Ormond O. Black and Mary Collett Black (Lessees), Birmingham, Ala.—Granted consent to assignment of license to R. B. Broyles, trading as R. B. Broyles Furniture Co.; **1310 kc.,** 100 watts night, 250 watts day, unlimited.

WJMS—WJMS, Inc., Ironwood, Mich.—Granted renewal of license; **1420 kc.,** 100 watts, unlimited.

WAML—Southland Radio Corp., Laurel, Miss.—Granted extension of present license for period of 90 days.

KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted renewal of license; **1330 kc.,** 1 KW, unlimited.

KREG—Voice of the Orange Empire, Inc., Santa Ana, Cal.—Granted extension of present license for period of 90 days.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted extension of present license for period of 90 days.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted extension of present license for period of 90 days.

WBAX—John H. Stenger, Jr., Wilkes Barre, Pa.—Granted renewal of license; **1210 kc.,** 100 watts, specified hours.

KROW—Educational Broadcasting Corp., Oakland, Cal.—Granted renewal of license; **930 kc.,** 1 KW, unlimited.

WBEN—WBEN, Inc., Buffalo, N. Y.—C. P. hearing docket, amended and granted, to move transmitter to site to be approved, make changes in equipment; increase day power to 5 KW and install approved vertical radiator and ground system.

NEW—WTAR Radio Corp., Norfolk, Va.—Granted C. P.; frequencies **31600, 35600, 38600** and **41000 kc.,** 50 watts, unlimited.

KNEL—G. L. Burns, Brady, Tex.—Granted license to cover C. P. as modified; **1500 kc.,** 100 watts, daytime operation.

WDEV—Mary M. Whitehill, Executrix of the Estate of Harry C. Whitehill, Waterbury, Vt.—Granted involuntary assignment of license from Harry C. Whitehill to Mary M. Whitehill; **550 kc.,** 500 watts, daytime.

WJAX—City of Jacksonville, Fla.—Granted authority to determine the operating power by direct measurement of antenna input.

WSAJ—Grove City College, Grove City, Pa.—Granted 60-day extension of present license.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted 90-day extension of present license.

WHDL—Olean Broadcasting Co., Olean, N. Y.—Granted special temporary authority to operate from 4:45 to 5:15 p. m., EST, Dec. 22, 24 and 31, 1935, in order to broadcast special Christmas and New Year's programs sponsored by various musical groups.

NEW—The Baltimore Radio Show, Inc., site to be determined—Granted C. P. (exp. gen. exp.), frequencies **31600, 35600, 38600, 41000 kc.,** 100 watts, unlimited.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Cal.—Granted renewal of license; **1360 kc.,** 1 KW, unlimited.

RENEWAL OF LICENSES

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon pending application for renewal.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon pending application for renewal.

KWKC—Dincan Broadcasting Co., Kansas City, Mo.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon pending application for renewal.

KXL—KXL Broadcasters, Portland, Ore.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon pending application for renewal.

WRDO—WRDO, Inc., Augusta, Me.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon pending application for renewal.

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Granted renewal of license on a temporary basis subject to such action as may be taken on pending application for renewal because of mandate contained in certain stay orders issued by the U. S. Court of Appeals for the District of Columbia, in cause No. 6473, Head of the Lakes Broadcasting Co. v. F. C. C.

The following stations were granted renewal of licenses for the regular period:

KLUF, Galveston, Tex.; KPQ, Wenatchee, Wash.; KRLC, Lewiston, Idaho; WCBM, Baltimore, Md.; WJBK, Detroit, Mich.; WMFJ, Daytona Beach, Fla., and WTMV, E. St. Louis, Ill.; KGHI, Little Rock, Ark.; WEST, Lancaster, Pa.; WJIM, Lansing, Mich.; WSJS, Winston-Salem, N. C.

WAAW—Omaha Grain Exchange, Omaha, Neb.—Present license extended on a temporary basis only, to Feb. 1, 1936, subject to such action as may be taken upon pending application for renewal.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Present license extended on a temporary basis only, to Feb. 1, 1936, subject to such action as may be taken upon pending application for renewal.

WINS—Hearst Radio, Inc., New York City, N. Y.—Present license extended on a temporary basis only, to Feb. 1, 1936, subject to such action as may be taken upon pending application for renewal.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Present license extended on a temporary basis only, to Feb. 1, 1936, subject to such action as may be taken upon pending application for renewal.

KPLM—John B. Cooley, Minot, N. Dak.—Present license extended on a temporary basis only to February 1, 1936, subject to such action as may be taken on pending application for renewal.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license extended on a temporary basis only to February 1, 1936, subject to such action as may be taken on pending application for renewal.

Licenses for the following stations were extended on a temporary basis only, to February 1, 1936, pending receipt and/or action on renewal applications:

KCMC, Texarkana, Ark.; KERN, Bakersfield, Cal.; KFIZ, Fond du Lac, Wis.; WATL, Atlanta, Ga.; WNRA, Sheffield, Ala.; WOPI, Bristol, Tenn., and WPFB, Hattiesburg, Miss.

WRAK—WRAK, Inc., Williamsport, Pa.—Present license extended to Feb. 1, 1936, on a temporary basis only, pending action on renewal application.

KILU—Arkansas Radio & Equipment Co., Portable—Present license for broadcast pickup station in the temporary service was extended for a period of one month on a temporary basis only to Feb. 1, 1936, subject to such action as may be taken on application for renewal pending before the Commission.

WLEZ—The Norfolk Daily News, Portable—Present license for broadcast pickup station in the temporary service was extended for a period of one month on a temporary basis only to Feb. 1, 1936, subject to such action as may be taken on application for renewal pending before the Commission.

SET FOR HEARING

NEW—Northern Broadcasting Corp., Watertown, N. Y.—Application for C. P. for new station; **1270 kc.**, 250 watts, daytime; site to be determined.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Ia.—Application for C. P. to make changes in equipment, install new antenna, move transmitter site, increase day power from 2½ to 5 KW and hours of operation from simultaneous daytime—WTAQ, S. H. night to unlimited.

WMFO—James R. Doss, Jr., Decatur, Ala.—Application for modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

KLO—Interstate Broadcasting Corp., Ogden, Utah—C. P. already in hearing docket, amended to read: changes in equipment; move transmitter to new site to be determined with Commission approval; install directional antenna; increase night power to 1 KW, day power to 5 KW and extend commencement date to within 15 days after grant and completion date to 60 days thereafter.

WJIM—Harold F. Gross, M. Bliss Keeler and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—C. P. already in hearing docket, amended to read: authority to install new equipment and antenna system; change frequency to **1010 kc.**, and increase power to 500 watts night, 1 KW day.

NEW—Albert E. Davis, Brownwood, Tex.—C. P. in hearing docket, amended so as to request frequency **1420 kc.**, 100 watts, daytime.

KMMJ—M. M. Johnson Co., Clay Center, Neb.—C. P. already in hearing docket amended so as to request change in equipment and increase in day power to 2½ KW.

NEW—George H. Adams and Henry D. Bratter, St. Paul, Minn.—Application for C. P. for new station; **1370 kc.**, 100 watts, unlimited time.

NEW—Navarro Broadcasting Assn., Corsicanna, Tex.—Application for C. P. for new station; **1310 kc.**, 100 watts, daytime.

KSEI—Radio Service Corp., Twin Falls, Idaho—Renewal of license; **900 kc.**, 250 watts night, 500 watts day, unlimited time.

MISCELLANEOUS

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Denied request for special authority to operate unlimited time with 250 watts nighttime, to the end of the present license period, to determine whether interference would be caused with other stations on the same frequency.

WTMJ—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—Denied request for special temporary authority to operate with a power of 5 KW from 12 midnight to 6 a. m., CST, on morning of Dec. 25th.

KABR—Aberdeen Broadcast Corp., Aberdeen, S. Dak.—Authorized modification of license be issued to increase hours of operation from daytime to unlimited, using 100 watts power, inasmuch as Rule 131 has now been complied with.

NEW—Ex. Rep. 1-76: Edward Hoffman, St. Paul, Minn.—Reconsidered and set aside action of December 3, 1935, in granting application for C. P. to erect new station to operate on **1370 kc.**, 100 watts, unlimited.

C. W. Snider, Wichita Falls, Tex.—Denied request that hearing on his application for new station at Wichita Falls be held at Wichita Falls at same time and place as hearing on application of KGKO to move from Wichita Falls to Fort Worth, Tex.

NEW—Sioux Falls Broadcasting Assn., Inc., Sioux Falls, S. Dak.—Granted motion for continuance of hearing scheduled for Jan. 7, 1936, to consider application for new station to operate on **1200 kc.**, 100 watts.

APPLICATIONS RECEIVED

First Zone

NEW—Foreign Lands, Corp., Honolulu, Hawaii—Construction per-
600 mit for a new station to be operated on **600 kc.**, 1 KW, unlimited time. Amended: To change transmitter site from 1124 Kalihi Road, Honolulu, Hawaii, to Puuhale Road and Dillingham Boulevard, Honolulu, Hawaii.

WOKO—WOKO, Incorporated, Albany, N. Y.—License to cover
1430 construction permit (B1-P-586) for move of transmitter and changes in equipment.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—
1450 Authority to transfer control of corporation from Harry F. O'Mealia to Joseph Lang and Paul F. Harron, 1875 shares of stock.

W8XH—WBEN, Inc., Portable, within 25 mi. of—License to cover construction permit for additional frequencies **31600, 35600** and **38600 kc.**

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, O.—Extension of
700 special experimental authorization to operate with power of 500 KW day and night, using directional antenna at night for the period 2-1-36 to 8-1-36.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Construction
1110 permit to make changes in equipment and increase power from 5 KW to 50 KW. Amended: Transmitter site to be determined, County of Henrico, State of Virginia.

WHAT—Independence Broadcasting Co., Inc., Philadelphia Pa.—
1220 Construction permit to make changes in equipment, increase power from 100 watts to 1 KW, frequency from **1310** to **1220 kc.**, time from share WTEL to unlimited and move transmitter from Hotel Pennsylvania, 3900 Chestnut Street, Philadelphia, Pennsylvania, to site to be determined, Pennsylvania.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction
1420 permit to make changes in equipment.

NEW—The Evening News Assn., Portable-Mobile—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.**, 100 watts.

Third Zone

NEW—Memphis Commercial Appeal, Inc., Mobile, Ala.—Construc-
630 tion permit for a new station to be operated on **590 kc.**, 5 KW, unlimited time. Amended: To make antenna changes, change frequency from **590 kc.** to **630 kc.**, and change power from 5 KW to 1 KW, 5 KW day, using directional antenna at night.

WKY—WKY Radiophone Co., Oklahoma City. Okla.—Construc-
900 tion permit to install new equipment, increase power from 1 KW to 5 KW, move transmitter from West 39th Street (Highway 8 mi. w. of), Oklahoma City, Oklahoma, to site to be determined, Oklahoma City, Oklahoma.

KNET—Palestine Broadcasting Assn., John C. Welch, Wm. M.
1420 Keller, Bonner Frizzell, Palestine, Tex.—Modification of construction permit (B3-P-216) as modified, to make further changes in equipment, move studio from Y. M. C. A. Bldg., Cor. S. Magnolia, Hoxie & S. Sycamore Sts., Palestine, Texas, to Maier Bldg., Cor. N. John & W. Crawford Sts., Palestine, Texas.

WJBR—Virgil V. Evans, Gastonia, N. C.—Modification of con-
1420 struction permit (B3-P-744) for new station, further requesting equipment changes, approval of transmitter and studio sites at 214 South St., Masonic Temple, Gastonia, North Carolina. (Filed in the name of Virgil V. Evans.)

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—License
1420 to cover construction permit (B3-P-23) for changes in equipment and increase in day power.

NEW—Magnolia Broadcasting Co., Wm. H. Davis, Dixon Pyles &
1420 W. H. Johnson, Jackson, Miss.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

Fourth Zone

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—License to
560 cover construction permit (B4-P-240) for changes in equipment and increase in power.

WMT—Waterloo Broadcasting Co., Des Moines, Ia.—Modifica-
600 tion of special experimental authorization to operate with power of 1 KW, 2½ KW day, using directional antenna night and make changes in equipment.

WJBC—Wayne Hummer & H. J. Dee, d/b as Kaskaskia Broad-
1200 casting Co., Bloomington, Ill.—Voluntary assignment of license from Wayne Hummer & H. J. Dee, d/b as Kaskaskia Broadcasting Co. to Arthur Malcolm McGregor & Dorothy Charlotte McGregor (his wife).

NEW—M. H. White, Winona, Minn.—Construction permit for a
1200 new station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—Guilford Broadcasting Co., Fort Dodge, Ia.—Construction
1210 permit for a new station to be operated on **1210 kc.**, 100 watts, daytime.

WRJN—Racine Broadcasting Corp., Racine, Wisc.—Modification
1370 of construction permit (B4-P-370) to make changes in equipment (antenna), move transmitter from Hotel Racine, 6th & Main Sts., Racine, Wisconsin, to Victory & Kentucky Sts., Mt. Pleasant, Wisc., and extend commencement and completion dates.

NEW—Missouri Broadcasting Corp., St. Louis, Mo.—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.,** 100 watts.

Fifth Zone

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Extension of special experimental authorization to operate on **780 kc.** for period from 12-27-35 to 4-1-36.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification
920 of license to change frequency from **1270 kc.** to **920 kc.,** increase power from 1 KW, 2½ KW day to 1 KW, 5 KW day. Amended: To omit request for change of frequency to **920 kc.**

NEW—George Harm, Fresno, Calif.—Construction permit for a
1310 new station to be operated on **1310 kc.,** 100 watts, unlimited time.

NEW—H. E. Studebaker, La Grande, Ore.—Construction permit
1420 for a new station to be operated on **1420 kc.,** 100 watts, 250 watts day, unlimited time. Consideration under Rule 6 (g). Contingent upon the granting of KRLC's application for change in frequency.

KREG—The Voice of The Orange Empire, Inc., Santa Ana, Calif.
1500 —Construction permit to make changes in equipment (antenna), and move transmitter and studio from North Sycamore and 3rd Sts., Santa Ana, California, to 2825 West 5th Street, Santa Ana, California.

NEW—Ben S. McGlashan, Portable-Mobile—Construction permit for a new general experimental station to be operated on **86000-400000 kc.,** 100 watts.

NEW—Ben S. McGlashan, Portable-Mobile—Construction permit for a new general experimental station to be operated on **86000-400000 kc.,** 100 watts.

NEW—Ben McGlashan, Portable-Mobile aboard Aircraft NC-351-Y—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 10 watts.

NEW—James McClatchy Co., Portable—Construction permit for a new broadcast pickup station to be operated on **1646, 2090, 2190, 2830 kc.,** 50 watts.